**DISTRICT OFFICE: CESWG-PE-RCC** 

FILE NUMBER: I-5124

S C C A N	tate: ounty: enter coordi	Texas Nueces inates of si size of are est waterw	te (latitude/longitua (parcel) revieweray:	ıde): :d, including	27 37'26"/97 19'10" g uplands: 80 acres.
			RMINATION determination (s)	$\boxtimes$	Date: 27 June 2005 Date(s):
J	urisdictiona	al Determi	nation (JD):		
::::::::::::::::::::::::::::::::::::::	United S	States" and	ased on available or "navigable wat part 331).	information ers of the U	, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
		ed JD – An II that apply		appealable	action (Reference 33 CFR part 331).
	There	e <i>are</i> "navi wed area.	gable waters of th Approximate size	e United Sta of jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
	There reviewed	e <i>are</i> "wate l area. Ap <sub>l</sub>	ers of the United S proximate size of	tates" (as d	efined by 33 CFR part 328 and associated guidance) within the al area:
	⊠ There	e are "isolo	ated, non-navigab Decision support Jurisdiction.	le, intra-stat ed by SWAI	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
A	Waters of The prese	defined un ence of war	ters that are subject	329 as "na et to the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce.
B	(1) The p interstate   (2) The p   (3) The p sandflats, destruction   (i) w   (ii) f   (iii)   (4) Impoor   (5) The p   (6) The p	presence of cor foreign presence of presence of , wetlands, on of which which are of from which which are undments of presence of	waters, which are commerce, includinterstate waters other waters such sloughs, prairie phicould affect inter could be used by fish or shellfish a could be used for waters otherwis a tributary to a waterritorial seas.	ding all water ding all water including intrastate otholes, weter state commenterstate of are or could for industrial edefined as	sed, or were used in the past, or may be susceptible to use in the subject to the ebb and flow of the tide. terstate wetlands is elakes, rivers, streams (including intermittent streams), mudflats, at meadows, playa lakes, or natural ponds, the use, degradation or the elakes, rivers are the including any such waters (check all that apply): reforeign travelers for recreational or other purposes, be taken and sold in interstate or foreign commerce. In purposes by industries in interstate commerce. In waters of the US. In the commerce waters of the US. In the commerce waters of the US, except for those wetlands adjacent to other wetlands.
n	4	41 D			

FILE NUMBER: I-5124

	and 329)  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	vegetation lines/changes in vegetation types.
etland boundaries, as shown on the attached wetland de	lineation map and/or in a delineation report prepared by:
nable to confirm the presence of waters in 33 CFR part 3 adquarters declined to approve jurisdiction on the basis are Corps has made a case-specific determination that the nited States:  Waste treatment systems, including treatment pond Artificially irrigated areas, which would revert to u Artificial lakes and ponds created by excavating an retain water and which are used exclusively for sucrice growing.  Artificial reflecting or swimming pools or other sm by excavating and/or diking dry land to retain water water filled depressions created in dry land incider the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets the 328.3(a).  Isolated, intrastate wetland with no nexus to interst Prior converted cropland, as determined by the National Artificial reflections and the resulting by the National Reflections are retained by the National Reflections and the resulting body of water meets the same prior converted cropland, as determined by the National Reflections and the resulting body of water meets the same prior converted cropland, as determined by the National Reflections and the resulting body of water meets the same prior converted cropland, as determined by the National Reflections and the resulting body of water meets the same prior converted cropland, as determined by the National Reflections and the resulting body of water meets the same prior converted cropland, as determined by the National Reflections and the resulting body of water meets the same prior converted cropland, as determined by the National Reflections and the resulting body of water meets the same prior converted cropland, as determined by the National Reflection and the resulting body of water meets the same prior converted cropland, as determined by the National Reflection and the resulting body of water meets the same prior converted cropland and the resulting body of water meets the same prior converted cropland and the resulting body of water meets the same prior converted cropland and the	of 33 CFR part 328.3(a)(3). If following waters present on the site are not Waters of the distribution of lagoons, pursuant to 33 CFR part 328.3. Inpland if the irrigation ceased. Ind/or diking dry land to collect and oth purposes as stock watering, irrigation, settling basins, or hall ornamental bodies of water created or for primarily aesthetic reasons. Intal to construction activity and pits excavated in dry land for and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR atterest commerce. Intelligence of the States found at 33 CFR atterest commerce. Intelligence of the States found at 33 CFR atterest commerce. Intelligence of the States found at 33 CFR atterest commerce. Intelligence of the States found at 33 CFR atterest commerce. Intelligence of the States found at 33 CFR atterest commerce. Intelligence of the States found at 33 CFR atterest commerce. Intelligence of the States found at 33 CFR atterest commerce. Intelligence of the States found at 33 CFR atterest commerce. Intelligence of the States found at 33 CFR atterest commerce. Intelligence of the States found at 33 CFR atterest commerce. Intelligence of the States found at 33 CFR atterest commerce. Intelligence of the States found at 33 CFR atterest commerce. Intelligence of the States found at 33 CFR atterest commerce of the States found at 33 CFR atterest commerce of the States found at 33 CFR atterest commerce of the States found at 33 CFR atterest commerce of the States found at 33 CFR atterest commerce of the States found at 33 CFR atterest commerce of the States found at 33 CFR atterest commerce of the States found at 35 CFR atterest commerce of the States found at 35 CFR atterest commerce of the States found at 35 CFR atterest commerce of the States found at 35 CFR atterest commerce of the States found at 35 CFR atterest commerce of the States found at 35 CFR atterest commerce of the States found at 35 CFR atterest commerce of the States found at 35 CFR atterest commerce of the Sta
Non-tidal drainage or irrigation ditches excavated of Other (explain):	on dry land. Explain rationale:
aps, plans, plots or plat submitted by or on behalf of the atta sheets prepared/submitted by or on behalf of the application of the application of the application of the concurs with the delineation report, dated This office does not concur with the delineation report that sheets prepared by the Corps.  The application of the Corps of the application of	applicant. icant. , prepared by (company): , dated , prepared by (company):  a Island & Oso Creek NE
	the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  ean High Water Mark indicated by: survey to available datum; physical markings; celland boundaries, as shown on the attached wetland de  For Not Asserting Jurisdiction: the reviewed area consists entirely of uplands. The valid the presence of waters in 33 CFR part 3 and quarters declined to approve jurisdiction on the basis of the Corps has made a case-specific determination that the intends of the case of the corps which would revert to upland are the valid lakes and ponds created by excavating are retain water and which are used exclusively for survice growing.  Artificial lakes and ponds created by excavating are retain water and which are used exclusively for survice growing.  Artificial reflecting or swimming pools or other sme by excavating and/or diking dry land to retain water water filled depressions created in dry land incide the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets the 328.3(a).  Isolated, intrastate wetland with no nexus to interst Prior converted cropland, as determined by the Natl Non-tidal drainage or irrigation ditches excavated of Other (explain):  TIEWED FOR JURSIDICTIONAL DETERMINATI aps, plans, plots or plat submitted by or on behalf of the application of the prior converted cropland, as determined by the Natl Non-tidal drainage or irrigation ditches excavated of Other (explain):  TIEWED FOR JURSIDICTIONAL DETERMINATI aps, plans, plots or plat submitted by or on behalf of the application

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG-PE-RCC

FILE NUMBER: D-17393

		TION INF	ORMATION:		
Се Ар Na	nter coordina proximate siz	ze of area t waterwa	(latitude/longitud (parcel) reviewed y: Corpus Christi Nueces River	including	27 49' 14"/97 28' 58" guplands: 0.1 acres. nel
	mpleted: I			X	Date: 30 June 2005 Date(s):
Ju	risdictional l	Determin	ation (JD):		
		tes" and/o	r "navigable water		, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
×	Approved. Check all t			appealable	action (Reference 33 CFR part 331).
			able waters of the approximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
			s of the United Staroximate size of ju		efined by 33 CFR part 328 and associated guidance) within the al area:
	-	<u> </u>			te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
Α.	Waters de The presen	fined und ce of wate	ers that are subject	329 as "na to the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce.
B.	(1) The pre interstate of (2) The pre (3) The pre sandflats, we destruction (i) wh (ii) fro (iii) w	esence of ver foreign of esence of it esence of of wetlands, so of which ich are or om which hich are o	waters, which are commerce, includinterstate waters in other waters such a sloughs, prairie po could affect interseculd be used by ifish or shellfish ar rould be used fo	currently ung all water cluding in as intrastat tholes, we state communiterstate of e or could r industria	e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce.
	(5) The pre (6) The pre	esence of a	a tributary to a wat erritorial seas.	er identifi	s waters of the US. ed in (1) – (4) above. vaters of the US, except for those wetlands adjacent to other wetlands.
Ra	tionale for t	he Basis o	f Jurisdictional I	)etermina	tion (applies to any hoves checked above) If the jurisdictional

FILE NUMBER: D-17393

_	FILE NUMBER: D-1739:
	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ other: □ driving destruction (Reference: 33 CFR parts 328 and 329) □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  Survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston FILE NUMBER: 01782(01) PROJECT LOCATION INFORMATION: State: Texas County: Nueces Center coordinates of site (latitude/longitude): 27 40 08.3234; 97 18 57.4247 Approximate size of area (parcel) reviewed, including uplands: <u>5.0</u> acres. Name of nearest waterway: Oso Bay Name of watershed: Corpus Christi Bay JURISDICTIONAL DETERMINATION **Completed:** Desktop determination  $\boxtimes$ Date: 21 June 2005 7 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 3.0 acre. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: acre. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.  $\Box$  (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

# FILE NUMBER: 01782(01)

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
. A	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Oso Creek NE, TX.  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps: Oso Creek NE, TX.  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: (Date)  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston FILE NUMBER: 23103(01) PROJECT LOCATION INFORMATION: State: Texas Aransas County: Center coordinates of site (latitude/longitude): 28 05 58.2422; 97 12 36.1764 Approximate size of area (parcel) reviewed, including uplands: 3.0 acres. Name of nearest waterway: Channel to Rockport Name of watershed: Aransas Bay JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 20 June 2005 Site visit(s) 10 Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information,  $\square$  there appear to be (or)  $\square$  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.07 acre. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: \_\_\_acre\_. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [1] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**FILE NUMBER: 23103(01)** 

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ other: □ Tide Line indicated by: □ oil or scum line along shore objects □ fine shell or debris deposits (foreshore) □ physical markings/characteristics □ tidal gages □ other:
$\boxtimes$	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Rockport, TX.  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actual Resources Conservation Service Soil Survey:  National wetlands inventory maps: Rockport, TX.  State/Local wetland inventory maps: Rockport, TX.  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): USDA, 1995  Other photographs (Name & Date): USDA, 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: (Date)  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-12813

<b>PROJE</b>	CT LOCA	TION IN	FORMATION:		
Stat	te:	Texas			
	ınty:	Cameron			
			e (latitude/longitude		26-2-28.9977 97-46-37.0224
				including	uplands: approx. 0.028 acres.
			ay: Rio Grande		
Nar	ne of wate	rshed:	Rio Grande		
JURISE	ICTION	AL DETE	RMINATION		
			determination	$\boxtimes$	Date: 1 July 2005
		Site visit(		面	Date(s):
		Site visit	.3)	لتا	Dutc(3).
Jur	isdictiona	l Determi	nation (JD):		
	United S	tates" and/			, there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
$\boxtimes$		d JD – An l that apply		ppealable	action (Reference 33 CFR part 331).
					ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: 0.028 acres.
			ers of the United Sta proximate size of ju		lefined by 33 CFR part 328 and associated guidance) within the al area:
	There	e are "isolo			te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
RASIS	OF JURIS	DICTION	NAL DETERMINA	ATION:	
A.	Waters of The prese	defined un ence of wa	der 33 CFR part 3 ters that are subject	329 as "na to the ebb	wigable waters of the United States":  o and flow of the tide and/or are presently used, or have been used in  nt interstate or foreign commerce.
B. ⊠	(1) The p	resence of	waters, which are o	currently u	s "waters of the United States": used, or were used in the past, or may be susceptible to use in
					ers which are subject to the ebb and flow of the tide.
1251			interstate waters in		
	(3) The p	oresence of	other waters such a	as intrastat	te lakes, rivers, streams (including intermittent streams), mudflats,
	Sandilais	, wellands	, stoughs, prairte po	tote comp	et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply):
					or foreign travelers for recreational or other purposes.
					be taken and sold in interstate or foreign commerce.
					Il purposes by industries in interstate commerce.
M			of waters otherwise		
同					ed in $(1) - (4)$ above.
Ī	(6) The r	resence of	f territorial seas.		
$\widetilde{\mathcal{F}}_{2}$	(7) The p	oresence of	f wetlands adjacent <sup>2</sup>	to other v	vaters of the US, except for those wetlands adjacent to other wetlands

	FILE NUMBER: D-12813
	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ physical markings/characteristics □ tidal gages □ tidal gages □ other: □ other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
⋈	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Santa Maria  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey: Cameron County, Texas  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:
	Site visit/determination conducted on:

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-12811

<b>PROJE</b>	CT LOCATIO	ON INFORMATION:		
Cen App Nan	inty: Ca iter coordinate proximate size	waterway: Rio Grande		26-0-4.9963 97-38-11.0326 g uplands: approx. 0.028 acres.
	npleted: De	DETERMINATION esktop determination te visit(s)	$\boxtimes$	Date: 1 July 2005 Date(s):
Jur	isdictional De	etermination (JD):		
Æ	United State			, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
$\boxtimes$	Approved JI Check all that		appealable	e action (Reference 33 CFR part 331).
		e "navigable waters of the l area. Approximate size		ates" (as defined by 33 CFR part 329 and associated guidance) within tional area: 0.028 acres.
		e "waters of the United St ea. Approximate size of ju		defined by 33 CFR part 328 and associated guidance) within the all area:
	There are			ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
Α.	Waters defi The presence	e of waters that are subjec	329 as "na t to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
B.	(1) The presinterstate or (2) The pres (3) The pres sandflats, we destruction of (i) whice (ii) from (iii) wh (4) Impound (5) The pres (6) The pres	ence of waters, which are foreign commerce, includence of interstate waters i ence of other waters such etlands, sloughs, prairie pof which could affect interstance or could be used by making his property of waters or could be used followers of waters otherwisence of a tributary to a water of territorial seas.	currently talling all was neluding in as intrasta otholes, we restate comminterstate are or could be industriated that it is defined a atter identification.	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce. In purposes by industries in interstate commerce. In swaters of the US.

	FILE NUMBER: D-12611
Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: La Paloma  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actional Resources Conservation Service Soil Survey: Cameron County, Texas  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):
	Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-12812

PROJ	ECT LOCA	ATION IN	FORMATION:		
St	ate:	Texas			
	ounty:	Cameron			
			te (latitude/longitud		26-1-30.0002 97-38-56.0236
				including	guplands: approx. 0.028 acres.
N	ame of near	est waterw	ay: Rio Grande		
N	ame of wate	rshed:	Rio Grande		
			RMINATION		
C	ompleted:	Desktop	determination	$\boxtimes$	Date: 1 July 2005
		Site visite	(s)	100	Date(s):
Jı	ırisdictiona	l Determi	nation (JD):		
Г	7 Prelimin	ary JD - B	ased on available in	formation	, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the
					nited States" on the project site. A preliminary JD is not appealable
			part 331).		
			,		
Σ	Approve	d JD – An	approved JD is an a	appealable	action (Reference 33 CFR part 331).
		I that apply		• •	
					ates" (as defined by 33 CFR part 329 and associated guidance) within
	the revie	wed area.	Approximate size of	of jurisdict	ional area: 0.028 acres.
					defined by 33 CFR part 328 and associated guidance) within the
	reviewed	i area. App	proximate size of ju	risdiction	al area:
	☐ There				ate waters or wetlands" within the reviewed area.
			• •	d by SWA	NCC/Migratory Bird Rule Information Sheet for Determination of No
			Jurisdiction.		
DAGIG	OF HIDI	PRICTION	MAI DETERMINE	ATION.	
			NAL DETERMINA		winchle waters of the United States?
A.	. waters	aennea ur	ider 35 CFR part 3	29 as "na	avigable waters of the United States":
Ľ					and flow of the tide and/or are presently used, or have been used in
	the past,	or may be	susceptible for use	to transpo	rt interstate or foreign commerce.
В	Waters	defined ur	dor 22 CED nort	129 2(a) a	s "waters of the United States":
	. Waters	orecence of	fwaters which are	currently i	used, or were used in the past, or may be susceptible to use in
Ľ	interstate	or foreign	commerce includi	ing all wat	ters which are subject to the ebb and flow of the tide.
Г			f interstate waters ir		
					te lakes, rivers, streams (including intermittent streams), mudflats,
ــا					et meadows, playa lakes, or natural ponds, the use, degradation or
					nerce including any such waters (check all that apply):
					or foreign travelers for recreational or other purposes.
					be taken and sold in interstate or foreign commerce.
					al purposes by industries in interstate commerce.
Г			of waters otherwise		
F					ied in $(1) - (4)$ above.
F	_ ` '	•	f territorial seas.	ioi idelitili	100 m (1) (1) 400 to.
	(0) The	presence o	f wetlands adiacent <sup>2</sup>	to other v	waters of the US, except for those wetlands adjacent to other wetlands.
13.	. (/) Inc	presence 0	ottailas aajacett	to other v	

_	FILE NUMBER: D-12812
	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:    High Tide Line indicated by:   Oil or scum line along shore objects     In the presence of litter and debris     Changes in the character of soil     Changes i
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: La Paloma  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic soil Survey: Cameron County, Texas  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-12816

CT LOCATIO	ON INFORMATION:		
inty: Hich iter coordinates proximate size the of nearest w	alalgo s of site (latitude/longitud of area (parcel) reviewed, vaterway: Rio Grande		26-3-2.9919 98-1-53.0079 g uplands: approx. 0.028 acres.
npleted: De	sktop determination		Date: 1 July 2005 Date(s):
isdictional De	termination (JD):		
United States	s" and/or "navigable water		, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
		appealable	e action (Reference 33 CFR part 331).
			ates" (as defined by 33 CFR part 329 and associated guidance) within cional area: 0.028 acres.
			defined by 33 CFR part 328 and associated guidance) within the al area:
☐ There are			ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
OF JURISDIC	CTIONAL DETERMINA	ATION:	
The presence	of waters that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in
(1) The prese interstate or f (2) The prese (3) The prese sandflats, we destruction o (i) which (ii) from	ence of waters, which are of foreign commerce, including the confinite state waters in the confidence of other waters such a tlands, sloughs, prairie por f which could affect intershare or could be used by a which fish or shellfish are	currently ung all wat including ir as intrastal tholes, we state commenterstate of e or could	used, or were used in the past, or may be susceptible to use in the subject to the ebb and flow of the tide. Interstate wetlands <sup>1</sup> . It lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce.
<ul><li>(4) Impounds</li><li>(5) The prese</li><li>(6) The prese</li></ul>	ments of waters otherwise ence of a tributary to a waterice of territorial seas.	defined a er identifi	s waters of the US.
	te: Te: anty: Hick anter coordinate. proximate size me of nearest v me of watershe  DICTIONAL I mpleted: De     Sit  Sidictional De  Preliminary J United States (Reference 3  Approved JD Check all tha  There are the reviewed  There are reviewed are.  There are reviewed are.  There are (2) The prese (3) The prese interstate or i (2) The prese (3) The prese (4) Impound (5) The prese (6) The prese (6) The prese (6) The prese	inty: Hidalgo inter coordinates of site (latitude/longitude) proximate size of area (parcel) reviewed, are of nearest waterway: Rio Grande inter coordinates of site (latitude/longitude) proximate size of area (parcel) reviewed, are of nearest waterway: Rio Grande interest watershed: Rio Grande  DICTIONAL DETERMINATION impleted: Desktop determination Site visit(s)  Preliminary JD - Based on available in United States" and/or "navigable water (Reference 33 CFR part 331).  Approved JD - An approved JD is an a Check all that apply:  There are "navigable waters of the the reviewed area. Approximate size of Jurisdiction.  There are "isolated, non-navigable Decision supported Jurisdiction.  DF JURISDICTIONAL DETERMINA Waters defined under 33 CFR part 3. The presence of waters that are subject the past, or may be susceptible for use  Waters defined under 33 CFR part 3.  (1) The presence of interstate waters in (3) The presence of interstate waters in (3) The presence of other waters such a sandflats, wetlands, sloughs, prairie podestruction of which could affect intersing (i) which are or could be used by in (ii) from which fish or shellfish are in (iii) which are or could be used by in (iii) which are or could be used for (4) Impoundments of waters otherwise (5) The presence of a tributary to a water (6) The presence of territorial seas.	te: Texas anty: Hidalgo nter coordinates of site (latitude/longitude): proximate size of area (parcel) reviewed, including me of nearest waterway: Rio Grande me of watershed: Rio Grande DICTIONAL DETERMINATION mpleted: Desktop determination Site visit(s)  Preliminary JD - Based on available information United States" and/or "navigable waters of the U (Reference 33 CFR part 331).  Approved JD - An approved JD is an appealable Check all that apply:  There are "navigable waters of the United St the reviewed area. Approximate size of jurisdict There are "waters of the United States" (as of reviewed area. Approximate size of jurisdiction.  There are "isolated, non-navigable, intra-state Decision supported by SWA Jurisdiction.  OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "na The presence of waters that are subject to the ebt the past, or may be susceptible for use to transpo  Waters defined under 33 CFR part 328.3(a) a (1) The presence of waters, which are currently to interstate or foreign commerce, including all wat (2) The presence of interstate waters including in (3) The presence of other waters such as intrastate sandflats, wetlands, sloughs, prairie potholes, we destruction of which could affect interstate comm (i) which are or could be used by interstate of (iii) which are or could be used by interstate of (iii) which are or could be used by interstate of (iii) which are or could be used for industria (4) Impoundments of waters otherwise defined a (5) The presence of a tributary to a water identification (6) The presence of territorial seas.

	FILE NUMBER: D-12816
	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
	Ordinary High Water Mark indicated by: High Tide Line indicated by:
	clear, natural line impressed on the bank oil or scum line along shore objects
	the presence of litter and debris fine shell or debris deposits (foreshore)
	changes in the character of soil physical markings/characteristics
	destruction of terrestrial vegetation tidal gages
	shelving other:
	other:
M	Mean High Water Mark indicated by:
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.
	To a vegetation types.
85	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	by, we say the second and administration map and of in a defined tion report prepared by.
Bas	is For Not Asserting Jurisdiction:
	The reviewed area consists entirely of uplands.
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
	United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	This converted crophand, as determined by the realitial resources conservation service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
DATA R	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
$\boxtimes$	Maps, plans, plots or plat submitted by or on behalf of the applicant.
	Data sheets prepared/submitted by or on behalf of the applicant.
	This office concurs with the delineation report, dated , prepared by (company):
	This office does not concur with the delineation report, dated , prepared by (company):
60	Data sheets prepared by the Corps.
Bight:	Corps' navigable waters' studies:
32	U.S. Geological Survey Hydrologic Atlas:
	U.S. Geological Survey 7.5 Minute Topographic maps: San Juan SE
107	U.S. Geological Survey 7.5 Minute Historic quadrangles:
	U.S. Geological Survey 15 Minute Historic quadrangles:
☒	USDA Natural Resources Conservation Service Soil Survey: Hidalgo County, Texas
	National wetlands inventory maps:
	State/Local wetland inventory maps:
Ja Ja	FEMA/FIRM maps (Map Name & Date):
Ħ	100-year Floodplain Elevation is: (NGVD)
	Aerial Photographs (Name & Date):
	Other photographs (Date):
同	Advanced Identification Wetland maps:
鬲	Site visit/determination conducted on:
面	Applicable/supporting case law:
	Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston District **FILE NUMBER:** D-12814

		FILE NUMBER:	D-12814
La:	Tight fide Eine Make	cated by: e along shore objects	
		bris deposits (foreshore)	
	changes in the character of soil physical marking	ngs/characteristics	
	destruction of terrestrial vegetation tidal gages		
	☐ other: ☐ other:		
	Unici.		
19.	Mean High Water Mark indicated by:		
	survey to available datum; physical markings; vegetation lines/changes in	vegetation types.	
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a d	elineation report prepared	d by:
Bas	sis For Not Asserting Jurisdiction:		
	The reviewed area consists entirely of uplands.		
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3)	`	
	The Corps has made a case-specific determination that the following waters present of	). on the site are not Waters	of the
	United States:		or the
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 3	3 CFR part 328.3.	
	Artificially irrigated areas, which would revert to upland if the irrigation cease  Artificial lakes and ponds created by excavating and/or diking dry land to col		
	Artificial lakes and ponds created by excavating and/or diking dry land to col retain water and which are used exclusively for such purposes as stock wateri	lect and	nino on
	rice growing.	ng, imgation, setting bas	Silis, Oi
	Artificial reflecting or swimming pools or other small ornamental bodies of w	ater created	
	by excavating and/or diking dry land to retain water for primarily aesthetic red Water-filled depressions created in dry land incidental to construction activity	asons.	
	Water-filled depressions created in dry land incidental to construction activity the purpose of obtaining fill, sand, or gravel unless and until the construction	and pits excavated in dr	y land for
	abandoned and the resulting body of water meets the definition of waters of the	or excavation operation is ne United States found at	S 33 CFR
	328.3(a).	to officed states found at	JJ CI K
	Isolated, intrastate wetland with no nexus to interstate commerce.		
	Prior converted cropland, as determined by the Natural Resources Conservation	on Service. Explain ration	nale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain ration	ale:	
	Other (explain):		
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply)	:	
胃	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.		
لبسيا	This office concurs with the delineation report, dated , prepared by (compa	nv):	
	This office does not concur with the delineation report, dated , prepared by		
	Data sheets prepared by the Corps.		
븝	Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas:		
×	U.S. Geological Survey 7.5 Minute Topographic maps: Santa Maria		
	U.S. Geological Survey 7.5 Minute Historic quadrangles:		
	U.S. Geological Survey 15 Minute Historic quadrangles:		
	USDA Natural Resources Conservation Service Soil Survey: Hidalgo County, Texas		
	National wetlands inventory maps: State/Local wetland inventory maps:		
	FEMA/FIRM maps (Map Name & Date):		
	100-year Floodplain Elevation is: (NGVD)		
	Aerial Photographs (Name & Date):		
	Other photographs (Date):		
	Advanced Identification Wetland maps: Site visit/determination conducted on:		
	Applicable/supporting case law:		
10	Other information (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-12815

PROJEC Stat		Γ <mark>ΙΟΝ INF</mark> Texas	ORMATION:		
Cou Cen App Nar	inty: nter coordina proximate si	Hidalgo ates of site ze of area st waterway	(latitude/longitude (parcel) reviewed, 7: Rio Grande Rio Grande		26-3-37-9988 97-56-420135 guplands: approx. 0.028 acres.
	mpleted:		MINATION etermination	×	Date: 1 July 2005 Date(s):
Jur	isdictional	Determina	ation (JD):		
	United Sta		r "navigable water		, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
$\boxtimes$		JD – An a that apply:	pproved JD is an a	appealable	action (Reference 33 CFR part 331).
					ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: 0.028 acres.
			s of the United States of some size of ju		defined by 33 CFR part 328 and associated guidance) within the al area:
	☐ There				te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
A.	Waters de The preser	efined und	rs that are subject	329 as "na to the ebb	avigable waters of the United States":  o and flow of the tide and/or are presently used, or have been used in a interstate or foreign commerce.
B. ⊠ □	(1) The printerstate (2) The pr (3) The pr sandflats, destruction (i) where (ii) fr (iii) v (4) Impou	esence of vor foreign of esence of it esence of of wetlands, so nof which are or form which are or ond which are ond ments of the esence of th	waters, which are of commerce, including the state waters in other waters such a sloughs, prairie po could affect interseculd be used by if ish or shellfish are could be used for waters otherwise	currently using all wat including in as intrastat tholes, we state comminterstate or could r industria defined a	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. uterstate wetlands <sup>1</sup> . te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. I be taken and sold in interstate or foreign commerce. Il purposes by industries in interstate commerce. s waters of the US. ed in (1) – (4) above.
Rai	(7) The pr	resence of v	-		waters of the US, except for those wetlands adjacent to other wetlands ation (applies to any boxes checked above). If the jurisdictional
174	101		ui isulttiviidi l		The table to any poster enterior aportol, if the justical cultures

_	FILE NUMBER: D-12813
	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:    Clear, natural line impressed on the bank
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Progresso  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actional wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-12819

te: unty: nter coordi proximate me of near	Texas Starr nates of sit size of are est waterw	te (latitude/longit a (parcel) reviewe		26-18-25.9840 98-44-8.0113 g uplands: approx. 0.028 acres.
	Desktop	determination		Date: 1 July 2005 Date(s):
isdictiona	ıl Determi	nation (JD):		
United S	states" and	or "navigable wa		there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
		• •	n appealable	e action (Reference 33 CFR part 331).
				ates" (as defined by 33 CFR part 329 and associated guidance) within tional area: 0.028 acres.
				defined by 33 CFR part 328 and associated guidance) within the al area:
There	e are "isol			ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No
Waters The pres	defined ur ence of wa	nder 33 CFR par ters that are subje	t 329 as "neet to the ebl	b and flow of the tide and/or are presently used, or have been used in
(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (3) The printerstate (4) Imports (5) The printerstate (6) The printerstate (1) The printerstate (2) The printerstate (3) The printerstate (4) The printerstate (3) The printerstate (4) The printersta	presence of e or foreign presence of presence of s, wetlands from which are of from which are the bundments presence of presence of	f waters, which and commerce, included interstate waters fother waters such, sloughs, prairiesth could affect into could be used the fish or shellfish or could be used of waters otherwight a tributary to a verticulary to a vert	re currently adding all wa including in has intrasta potholes, we erstate compy interstate are or could for industricise defined a vater identif	used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide.  Interstate wetlands.  It lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply):  or foreign travelers for recreational or other purposes.  If be taken and sold in interstate or foreign commerce.  al purposes by industries in interstate commerce.  It was a suspense of the US.
	te: unty: hter coordi proximate me of near me of wate  DICTION. mpleted:  risdictiona  Prelimin United S (Referen  Approve Check al  There There reviewed  There The pres the past,  Waters (1) The pinterstate (2) The pinterstate (2) The past,  Waters (1) The pinterstate (2) The pinterstate (2) The pinterstate (3) The pinterstate (2) The pinterstate (3) The pinterstate (4) The pinterstate (5) The pinterstate (6) The pinterstate (7) The pinterstate (8) The pinterstate (9) The pinterst	te: Texas anty: Starr nter coordinates of sin proximate size of are me of nearest waterw me of watershed:  DICTIONAL DETE mpleted: Desktop Site visite  Preliminary JD - B United States" and (Reference 33 CFR  Approved JD - An Check all that apply  There are "navi the reviewed area.  There are "sool  There are "isol  There are "isol  There are of watershed un The presence of water defined un (1) The presence of sandflats, wetlands destruction of whice (ii) which are (4) Impoundments (5) The presence of (6) The presence of	te: Texas anty: Starr nter coordinates of site (latitude/longitus) proximate size of area (parcel) reviewed me of nearest waterway: Rio Grande me of watershed: Rio Grande DICTIONAL DETERMINATION mpleted: Desktop determination    Site visit(s)  Preliminary JD - Based on available United States" and/or "navigable wa (Reference 33 CFR part 331).  Approved JD - An approved JD is a Check all that apply:    There are "navigable waters of the reviewed area. Approximate size of the reviewed area. Approximate size of the united states of United States of the United States of United States of the Uni	inty: Starr inter coordinates of site (latitude/longitude): proximate size of area (parcel) reviewed, including me of nearest waterway: Rio Grande me of watershed: Rio Grande  PICTIONAL DETERMINATION Impleted: Desktop determination Site visit(s)  Preliminary JD - Based on available information United States" and/or "navigable waters of the U (Reference 33 CFR part 331).  Approved JD - An approved JD is an appealable Check all that apply:  There are "navigable waters of the United St the reviewed area. Approximate size of jurisdiction  There are "waters of the United States" (as or reviewed area. Approximate size of jurisdiction  There are "isolated, non-navigable, intra-sted Decision supported by SWA Jurisdiction.  OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "nate of the past, or may be susceptible for use to transport  Waters defined under 33 CFR part 328.3(a) at (1) The presence of waters, which are currently interstate or foreign commerce, including all waters and flats, wetlands, sloughs, prairie potholes, we destruction of which could affect interstate commercial (i) which are or could be used by interstate commercial (ii) which are or could be used by interstate (iii) from which fish or shellfish are or could (iii) which are or could be used for industrication of the presence of a tributary to a water identification of the presence of territorial seas.

FILE NUMBER: D-12819
teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
<ul><li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li><li>Other (explain):</li></ul>
REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: La Crulla  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 10 Minute Histor

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-12817

PRC	JEC	CT LOCATION INFORMATION:						
	State							
	Cou							
		ter coordinates of site (latitude/longitude): 26-3-47.9825 98-9-52.0335						
		roximate size of area (parcel) reviewed, including uplands: approx. 0.028 acres.						
		ne of nearest waterway: Rio Grande						
	Nan	ne of watershed: Rio Grande						
JUR	ISD	ICTIONAL DETERMINATION						
		npleted: Desktop determination 🛛 Date: 1 July 2005						
		Site visit(s)  Date(s):						
	Juri	sdictional Determination (JD):						
		Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the appear to be no" waters of the limits						
		United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable						
		(Reference 33 CFR part 331).						
	$\boxtimes$	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331).						
		Check all that apply:						
		<b>™</b>						
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within						
		the reviewed area. Approximate size of jurisdictional area: 0.028 acres.						
		There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the						
		reviewed area. Approximate size of jurisdictional area:						
		To the mean of a personnel of a second and a second and a second a						
		There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.						
		Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No.						
		Jurisdiction.						
BAS		OF JURISDICTIONAL DETERMINATION:						
	A. ⊠	Waters defined under 33 CFR part 329 as "navigable waters of the United States":						
		The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in						
		the past, or may be susceptible for use to transport interstate or foreign commerce.						
	В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":						
		(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in						
		interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.						
	À	(2) The presence of interstate waters including interstate wetlands <sup>1</sup> .						
	台	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,						
		sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or						
		destruction of which could affect interstate commerce including any such waters (check all that apply):						
		(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.						
		(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.						
		(iii) which are or could be used for industrial purposes by industries in interstate commerce.						
		(4) Impoundments of waters otherwise defined as waters of the US.						
		(5) The presence of a tributary to a water identified in (1) – (4) above.						
		(6) The presence of territorial seas.						
		(7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.						

_		-12817
La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:    clear, natural line impressed on the bank	
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by	y:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry late the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:	s, or and for CFR
DATA F	Cother (explain):  REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Las Milpas  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Histo	

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-12818

PROJEC	CT LOCATION	INFORMATION:		
Cen App Nan	inty: Hidal iter coordinates of proximate size of	go f site (latitude/longitude area (parcel) reviewed, erway: Rio Grande		26-4-47.0002 98-15-8.0345 uplands: approx. 0.028 acres.
	npleted: Deskt	TERMINATION top determination visit(s)		Date: 1 July 2005 Date(s):
Jur	isdictional Deter	rmination (JD):		
20	Preliminary JD United States" (Reference 33 C	and/or "navigable water	formation s of the U	, ☐ there appear to be (or) ☐ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
⊠	Approved JD – Check all that a		appealable	action (Reference 33 CFR part 331).
	There are "the reviewed ar	navigable waters of the rea. Approximate size of	United Store	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: 0.028 acres.
		waters of the United Sta Approximate size of ju		defined by 33 CFR part 328 and associated guidance) within the al area:
	There are "	isolated, non-navigable Decision supported Jurisdiction.	e, intra-sta d by SWA	ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
Α.	Waters defined The presence of	f waters that are subject	329 as "na to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
B.	(1) The present interstate or for (2) The present (3) The present sandflats, wetladestruction of value (i) which a (ii) from value (iii) which (4) Impoundment (5) The present (6) The present (6) The present (6)	ce of waters, which are a reign commerce, including of interstate waters in the ce of other waters such ands, sloughs, prairie powhich could affect interare or could be used by which fish or shellfish and are or could be used for ents of waters otherwise ce of a tributary to a water of territorial seas.	currently to ing all was a cluding in as intrasta otholes, we state committerstate are or could be industriate defined attertional termination of the country of the countr	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce. In purposes by industries in interstate commerce. In swaters of the US.

	FILE NUMBER:	D-12818
Ordinary High Water Mark indicated by:  ☐ High Tide Line indicated by: ☐ clear, natural line impressed on the bank ☐ the presence of litter and debris ☐ fine shell or deb	along shore objects ris deposits (foreshore)	
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation lines/changes i	vegetation types.	
Wetland boundaries, as shown on the attached wetland delineation map and/or in a de-	lineation report prepared	i by:
The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present or United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 Artificially irrigated areas, which would revert to upland if the irrigation ceased Artificial lakes and ponds created by excavating and/or diking dry land to colle retain water and which are used exclusively for such purposes as stock waterin rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water by excavating and/or diking dry land to retain water for primarily aesthetic reases.  Water-filled depressions created in dry land incidental to construction activity the purpose of obtaining fill, sand, or gravel unless and until the construction of abandoned and the resulting body of water meets the definition of waters of the 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation	the site are not Waters CFR part 328.3. d. ect and g, irrigation, settling base ater created sons. and pits excavated in dr r excavation operation is e United States found at	sins, or y land for s 33 CFR
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationa Other (explain):	le:	
Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (compan This office does not concur with the delineation report, dated , prepared by (Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Hidalgo  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey: Hidalgo County, Texas National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:	y): company):	
	clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil character of soil destruction of terrestrial vegetation shelving other:    Mean High Water Mark indicated by: survey to available datum; physical marking destruction of terrestrial vegetation shelving other:    Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation boundaries, as shown on the attached wetland delineation map and/or in a definition of the reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present or United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 Artificially irrigated areas, which would revert to upland if the irrigation cease Artificial lakes and ponds created by excavating and/or diking dry land to colle retain water and which are used exclusively for such purposes as stock waterin rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of wa by excavating and/or diking dry land to retain water for primarily aesthetic rear Water-filled depressions created in dry land incidental to construction abandoned and the resulting body of water meets the definition of waters of the 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Other (explain):    Mon-tidal drainage or irrigation ditches excavated on dry land. Explain rational Other (explain):    Mon-tidal drainage or irrigation ditches excavated on dry land. Prepared by (Compan Data sheets prepared by the Corps. Corps navigable waters' studies:    U.S. Geological Survey 15 Minute Historic quadrangles:   U.S. Geological Survey 15 Minute Historic quadrangles:   U.S. Geolo	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  Mean High Water Mark indicated by: clear in the presence of litter and debris shelving other:  Mean High Water Mark indicated by: clear in the presence of water and debris shelving other:  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared.  Wetland boundaries, as shown on the attached wetland telineation map and/or in a delineation report prepared.  Wetland boundaries, as shown on the attached wetland telineation map and/or in a delineation report prepared.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared.  Water Reducer and a case-specific determination that the following waters present on the site are not Waters.  Artificial like and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling barrice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to relation water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-12822

Stat Cou Cen App Nar	e: inty: iter coordi proximate	Texas Starr nates of si size of are est waterw	te (latitude/longi a (parcel) review ay: Rio Grande Rio Grande	tude):	26-23-55.9727 99-5-4.0211 g uplands: approx. 0.028 acres.
			RMINATION determination (s)		Date: 1 July 2005 Date(s):
Jur	isdictiona	l Determi	nation (JD):		
	United S	tates" and			a, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
$\boxtimes$		d JD – An I that appl		an appealable	e action (Reference 33 CFR part 331).
					rates" (as defined by 33 CFR part 329 and associated guidance) within tional area: $0.028$ acres.
			ers of the United proximate size o		defined by 33 CFR part 328 and associated guidance) within the al area:
	☐ There	e are "isol			ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
A.	Waters of	defined un ence of wa	ters that are subj	rt 329 as "na ject to the ebl	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
B. ⊠	(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (3) The printerstate (4) Printerstate (5) The printerstate (6) The printerstate (5) The printerstate (5) The printerstate (6) The printerstate (5) The printerstate (5) The printerstate (6) The printerstate (5) The printerstate (5) The printerstate (6) The print	oresence of corresence of corresponding corr	f waters, which a n commerce, incl f interstate water f other waters su, sloughs, prairie th could affect in or could be used h fish or shellfisl or could be used of waters otherw f a tributary to a f territorial seas.	are currently a luding all wa is including in the as intrasta is potholes, we terstate come by interstate in are or could if for industriation vise defined a water identif	used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. Interstate wetlands <sup>1</sup> . It lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. If the taken and sold in interstate or foreign commerce, all purposes by industries in interstate commerce. Its waters of the US. Ited in (1) – (4) above.

_	FILE NUMBER: D-12822
	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
لنا	Ordinary High Water Mark indicated by:  High Tide Line indicated by:
	clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore)
	the presence of litter and debris fine shell or debris deposits (foreshore)
	changes in the character of soil physical markings/characteristics
	destruction of terrestrial vegetation tidal gages
	shelving other:
	other:
	Mean High Water Mark indicated by:
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.
end) Edd	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
<u>Bas</u>	is For Not Asserting Jurisdiction:
	The reviewed area consists entirely of uplands.
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
100	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
E-100	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
	United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	shandoned and the resulting body of voter mosts the definition of instruction of excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
DATA R	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
$\boxtimes$	Maps, plans, plots or plat submitted by or on behalf of the applicant.
	Data sheets prepared/submitted by or on behalf of the applicant.
	This office concurs with the delineation report, dated , prepared by (company):
	This office does not concur with the delineation report, dated , prepared by (company):
	Data sheets prepared by the Corps.
	Corps' navigable waters' studies:
	U.S. Geological Survey Hydrologic Atlas:
$\boxtimes$	U.S. Geological Survey 7.5 Minute Topographic maps: Roma-Los Saenz West
	U.S. Geological Survey 7.5 Minute Historic quadrangles:
1	U.S. Geological Survey 15 Minute Historic quadrangles:
図	USDA Natural Resources Conservation Service Soil Survey: Starr County, Texas
X	National wetlands inventory maps:
	State/Local wetland inventory maps:
	FEMA/FIRM maps (Map Name & Date):
25	100-year Floodplain Elevation is: (NGVD)
	Aerial Photographs (Name & Date):
	Other photographs (Date):
Ħ	Advanced Identification Wetland maps:
	Site visit/determination conducted on:
	Applicable/supporting case law: Other information (please specify):
Last.	Ourse inventation voleage adective.

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-12820

			FORMATIO	N:		
Cen App Nar	unty: nter coordin proximate s	size of are st waterw	te (latitude/lor a (parcel) revi ay: Rio Grand Rio Grande	iewed,		26-22-9.9797 98-48-26.0139 uplands: approx. 0.028 acres.
	mpleted:		RMINATION determination (s)			Date: 1 July 2005 Date(s):
Jur	isdictional	Determi	nation (JD):			
	United St	ates" and	ased on availa 'or "navigable . part 331).	ible inf waters	ormation, s of the U	☐ there appear to be (or) ☐ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
$\boxtimes$	Approved Check all			is an a	ppealable	action (Reference 33 CFR part 331).
						ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: 0.028 acres.
			ers of the Unit proximate size			efined by 33 CFR part 328 and associated guidance) within the ll area:
	☐ There	are "isol	ated, non-nav Decision sup Jurisdiction.	<i>igable,</i> ported	intra-stat by SWA	te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
A.	Waters d The prese	lefined un ence of wa	ters that are s	part 3: ubject i	<b>29 as "na</b> to the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce.
B.	(1) The p interstate (2) The p (3) The p sandflats, destruction (i) w (ii) f (4) Import (5) The p (6) The p	resence o or foreign resence o resence o , wetlands on of which rhich are of rom which which are undments resence o	f waters, which commerce, if interstate was fother waters, sloughs, praich could affector could be used fish or shell or could be used fatributary to ferritorial see	th are concluding ters in a such a such a sirie pot tinters ed by infish are used for erwise a water as.	urrently ung all water all water all water all water all water all all all all all all all all all al	s "waters of the United States":  sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. terstate wetlands.  e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce. s waters of the US. ed in (1) – (4) above.  vaters of the US, except for those wetlands adjacent to other wetlands

		FILE NUMBER:	D-12820
Lat	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank  Did or scum line a		
		along shore objects ris deposits (foreshore)	
	☐ changes in the character of soil ☐ physical marking	gs/characteristics	
	destruction of terrestrial vegetation tidal gages	,	
	shelving other:		
	other:		
	Mean High Water Mark indicated by:		
	survey to available datum; physical markings; vegetation lines/changes in v	egetation types.	
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a del	ineation report prepared	i by:
Bas	sis For Not Asserting Jurisdiction:		
Sud-	The reviewed area consists entirely of uplands.		
***	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).		
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).		
	The Corps has made a case-specific determination that the following waters present on United States:	the site are not Waters	of the
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33	CFR part 328 3	
	Artificially irrigated areas, which would revert to upland if the irrigation ceased Artificial lakes and ponds created by excavating and/or diking dry land to colle	l.	
		ct and	
	retain water and which are used exclusively for such purposes as stock watering	g, irrigation, settling bas	sins, or
	rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of war		
	Artificial reflecting or swimming pools or other small ornamental bodies of war by excavating and/or diking dry land to retain water for primarily aesthetic reas	ier created	
	Water-filled depressions created in dry land incidental to construction activity a	ons. ind pits excavated in dr	v land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or	excavation operation i	S
	abandoned and the resulting body of water meets the definition of waters of the	United States found at	33 CFR
	328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.		
	Prior converted cropland, as determined by the Natural Resources Conservation	Service. Explain ratio	nale:
		•	
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rational Other (explain):	ie:	
DATA R	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):		
	Maps, plans, plots or plat submitted by or on behalf of the applicant.		
	Data sheets prepared/submitted by or on behalf of the applicant.		
	This office concurs with the delineation report, dated prepared by (company This office does not concur with the delineation report, dated prepared by (company the delineation report) report the delineation report the del	y): `	
	This office does not concur with the delineation report, dated , prepared by (a Data sheets prepared by the Corps.	company):	
	Corps' navigable waters' studies:		
	U.S. Geological Survey Hydrologic Atlas:		
Ø	U.S. Geological Survey 7.5 Minute Topographic maps: Rio Grande City South		
	U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles:		
×	USDA Natural Resources Conservation Service Soil Survey: Starr County, Texas		
	National wetlands inventory maps:		
1628-	State/Local wetland inventory maps:		
	FEMA/FIRM maps (Map Name & Date):		
圍	100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):		
	Other photographs (Date):		
<b>F</b>	Advanced Identification Wetland maps:		
12 P	Site visit/determination conducted on:		
	Applicable/supporting case law:		
101	Other information (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-12821

<b>PROJE</b>	CT LOCA	TION IN	FORMATION:		
Sta	te:	Texas			
	unty:	Starr			
Ce	nter coordi	nates of si	te (latitude/longitude	e):	26-23-31.9724 98-59-11.0230
				including	uplands: approx. 0.028 acres.
Na	me of near	est waterw	ay: Rio Grande		
Na	me of wate	rshed:	Rio Grande		
<b>JURISI</b>	DICTIONA	AL DETE	RMINATION		
Co	mpleted:	Desktop	determination	$\boxtimes$	Date: 1 July 2005
		Site visit	(s)		Date(s):
			· /		( )
Ju	risdictiona	l Determi	nation (JD):		
	Prelimin	arv ID - R	ased on available in	formation	, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the
ت					nited States" on the project site. A preliminary JD is not appealable
			R part 331).	3 of the C	inted states on the project site. At premiminary 3D is not appearable
	(Moreren	00 33 01 1	. purt 331).		
$\boxtimes$	Annrove	d ID – An	approved ID is an a	nnealable	action (Reference 33 CFR part 331).
كا		that appl		.ppcu.uo.c	audion (recipionee 33 of repair 331).
	Circuit ui	· mar appi	, .		
	X There	are "nav	igable waters of the	United Sta	ates" (as defined by 33 CFR part 329 and associated guidance) within
					ional area: 0.028 acres.
			. ipproximate size o	. jui ioui v	
	There	are "wate	ers of the United Sta	ites" (as d	lefined by 33 CFR part 328 and associated guidance) within the
			proximate size of ju		
		areap	prominate size of ju	· ibuiviioiii	
	There	e are "isol	ated, non-navigable	. intra-sta	te waters or wetlands" within the reviewed area.
		6			NCC/Migratory Bird Rule Information Sheet for Determination of No
		luming .	Jurisdiction.		
BASIS	OF JURIS	DICTIO	NAL DETERMINA	ATION:	
Α.					vigable waters of the United States":
$\boxtimes$					and flow of the tide and/or are presently used, or have been used in
_					rt interstate or foreign commerce.
	• ′	•	•		
В.	Waters	defined ui	nder 33 CFR part 3	28.3(a) as	s "waters of the United States":
$\boxtimes$	(1) The p	resence o	f waters, which are	currently u	ised, or were used in the past, or may be susceptible to use in
					ers which are subject to the ebb and flow of the tide.
			f interstate waters in		
FQ.					te lakes, rivers, streams (including intermittent streams), mudflats,
					et meadows, playa lakes, or natural ponds, the use, degradation or
					nerce including any such waters (check all that apply):
	☐ (i) v	vhich are o	or could be used by i	nterstate o	or foreign travelers for recreational or other purposes.
	_	from whic	h fish or shellfish ar	e or could	be taken and sold in interstate or foreign commerce.
	_ ` ` '				Il purposes by industries in interstate commerce.
	_ ` /		of waters otherwise		
3					ed in $(1)$ – $(4)$ above.
	(6) The p	resence o	f territorial seas.		
	(7) The p	resence o	f wetlands adjacent2	to other v	vaters of the US, except for those wetlands adjacent to other wetlands.

	FILE NUMBER: D-12821
Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  ☐ clear, natural line impressed on the bank ☐ the presence of litter and debris ☐ changes in the character of soil ☐ destruction of terrestrial vegetation ☐ shelving ☐ other: ☐ other: ☐ High Tide Line indicated by: ☐ oil or scum line along shore objects ☐ fine shell or debris deposits (foreshore) ☐ physical markings/characteristics ☐ tidal gages ☐ other:
100	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA R	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Roma-Los Saenz East  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Astural Resources Conservation Service Soil Survey: Starr County, Texas  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-12824

	JEC State	T LOCA	TEXAS		RMA	TION:		
( (	Cour Cent App	nty: er coordi roximate	Starr nates of size of	f site ( area (p	arcel)	eviewed		26-31-58.0001 99-9-16.9998 g uplands: approx. 0.028 acres.
		e of near			Rio Gi o Gran			
		CTIONA		op dete			X D	Date: 1 July 2005 Date(s):
J	luri	sdictiona	l Deter	minat	ion (JI	<b>)</b> ):		
0	\$		tates" a	nd/or	'naviga	ble wate		n, there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
0	Ø	Approve Check al			oroved	JD is an	appealable	e action (Reference 33 CFR part 331).
								tates" (as defined by 33 CFR part 329 and associated guidance) within tional area: 0.028 acres.
		There reviewed	e are "v l area.	vaters of	of the Uximate	Inited St size of ju	ates" (as our isdiction	defined by 33 CFR part 328 and associated guidance) within the al area:
		There	e are "i	De		supporte		ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
		F JURIS						
		The prese	ence of	waters	that ar	e subjec	t to the ebl	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
	X	(1) The printerstate	oresence or fore	e of wa	aters, w mmerc	hich are e, includ	currently uling all was	used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide.  nterstate wetlands <sup>1</sup> .
Ĭ		(3) The part sandflats destruction	oresence , wetland on of w	e of oth nds, slo hich c	her wat oughs, j ould af	ers such orairie po fect inter	as intrasta otholes, we state com	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply):
Г	*	(ii) :   (iii)	from w which	hich fi: are or	sh or sh could b	ellfish a e used fo	re or could or industria	or foreign travelers for recreational or other purposes.  I be taken and sold in interstate or foreign commerce.  I purposes by industries in interstate commerce.  Is waters of the US.
		(5) The p (6) The p	oresence oresence	e of a t e of ter	ributar ritorial	y to a wa seas.	ter identif	ied in (1) – (4) above.  waters of the US, except for those wetlands adjacent to other wetlands.

_	FILE NUMBER. D-12024
	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  ☐ clear, natural line impressed on the bank ☐ the presence of litter and debris ☐ changes in the character of soil ☐ destruction of terrestrial vegetation ☐ shelving ☐ other:  ☐ tidal gages ☐ other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	<ul><li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li><li>Other (explain):</li></ul>
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Falcon Village  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic soil Survey: Starr County, Texas  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Name & Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-12823

			FORMATION:		
Sta		Texas			
	inty:	Starr		. \	26.20.50.0712.00.6.50.0252
Cer	iter coordii	nates of si	te (latitude/longitud	e): -:14:	26-30-50.9713 99-6-58.0253
				including	g uplands: approx. 0.028 acres.
			ay: Rio Grande		
Nai	ne of wate	rsnea:	Rio Grande		
JURISI	OICTION	AL DETE	RMINATION	_	
Co	mpleted:	Desktop	determination	$\boxtimes$	Date: 1 July 2005
		Site visit	(s)		Date(s):
Jui	isdictiona	l Determi	nation (JD):		
P. C.			` ,	formation	, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the
	United S	tates" and			inited States" on the project site. A preliminary JD is not appealable
		d JD – An l that appl		appealable	e action (Reference 33 CFR part 331).
					ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: 0.028 acres.
			ers of the United Sta proximate size of ju		defined by 33 CFR part 328 and associated guidance) within the al area:
	☐ There	e are "isol			ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No
BASIS	OF JURIS	DICTIO	NAL DETERMINA	ATION:	
					avigable waters of the United States":
	The prese	ence of wa	ters that are subject	to the ebb	o and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
<u>B.</u>					s "waters of the United States":
M					used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide.
			f interstate waters in		
百					te lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats	, wetlands	, sloughs, prairie po	tholes, we	et meadows, playa lakes, or natural ponds, the use, degradation or
					nerce including any such waters (check all that apply):
	(i) v	vhich are o	or could be used by	interstate o	or foreign travelers for recreational or other purposes.
	(ii) 1	from whic	h fish or shellfish ar	e or could	be taken and sold in interstate or foreign commerce.
					al purposes by industries in interstate commerce.
			of waters otherwise		
				ter identifi	ied in (1) – (4) above.
	(6) The p	oresence o	f territorial seas.	·	
ت	(7) The p	oresence o	r wetlands adjacent	to other v	waters of the US, except for those wetlands adjacent to other wetlands.

	FILE NUMBER: D-12823
Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ ordinary High Water Mark indicated by: □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
<b>F</b>	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Salineno  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** I-5125

) ( (	State Cou Cent App Nam	nty: Ara	xas ansas s of site of area ( vaterway	(latitude/lon parcel) revie	gitude): wed, incl	uding	N27.99620 W97.07862 uplands: 15.0 acres.
		ICTIONAL I npleted: De. Site		termination			Date: Date(s): 6/30/05
	Juri	sdictional De	etermina	tion (JD):			
			s" and/or	"navigable			there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
	Ø	Approved JD Check all tha		proved JD i	s an appea	alable	action (Reference 33 CFR part 331).
		There are the reviewed					ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
		☐ There are reviewed are	e "waters a. Appro	of the Unite eximate size	ed States" of jurisdi	(as d	efined by 33 CFR part 328 and associated guidance) within the al area: 3.25 acres.
		There are					te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
	A.	The presence	ned und	er 33 CFR pres that are su	art 329 a bject to th	i <b>s "na</b> ie ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce.
		(1) The prese interstate or (2) The prese (3) The prese sandflats, we destruction o (ii) which (iii) which (4) Impounds (5) The prese (6) The prese	ence of w foreign c ence of oi ence of o etlands, s of which h are or which f ch are oi ments of ence of a	vaters, which commerce, in terstate wat ther waters shoughs, prain could affect could be use ish or shellf could be us waters othe tributary to erritorial sea	are curre cluding a ers includ such as int ie pothole interstate d by inters sh are or ed for ind rwise defi a water id	intly u ill water ing in trastates, we commented could ustriated entification	s "waters of the United States":  used, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. terstate wetlands.  e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or herce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce. s waters of the US. ed in (1) – (4) above.  vaters of the US, except for those wetlands adjacent to other wetlands.
		•					

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: I-5125 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: NWI, USACE **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Estes, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Estes, TX State/Local wetland inventory maps: Aransas County Topo map FEMA/FIRM maps (Map Name & Date): Estes, TX 100-year Floodplain Elevation is: (NGVD)

Aerial Photographs (Name & Date): GLO 2002, 1995

Other photographs (Date): 6/30/05 Advanced Identification Wetland maps: Site visit/determination conducted on: 6/30/05

Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** D-17395

PRO	JEC	CT LOCA	ΓΙΟΝ IN	FORMATION:			
	State		Texas				
	Cou		Starr				
	Cen	ter coordin	ates of sit	e (latitude/longitud	le):	N 26.41423 W 98.80854	
						uplands: 25,000 acres.	
				ay: Los Olmos Cre	ek		
	Nam	ne of water	snea:	Rio Grande			
шр	icn.	ICTIONA	I DETE	RMINATION			
				determination	$\boxtimes$	Date: 6/27/05	
	Con	-	Site visit(				
			Site visit	(3)	۳	Date(s):	
	Juri	sdictional	Determi	nation (JD):			
		United Sta	ites" and/			, there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable	
	Ø	Approved Check all			appealable	action (Reference 33 CFR part 331).	
				gable waters of the Approximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:	
				ers of the United Sta proximate size of ju		lefined by 33 CFR part 328 and associated guidance) within the al area: 0.05 acres.	
		☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. ☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.					
RAS	IS O	F.IIIRISI	DICTION	AL DETERMIN	ATION:		
						vigable waters of the United States":	
		The preser	ice of wat	ters that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce.	
	В.	Waters de	efined un	der 33 CFR nart 1	328 3(a) as	s "waters of the United States":	
						ised, or were used in the past, or may be susceptible to use in	
						ers which are subject to the ebb and flow of the tide.	
	-35			interstate waters in			
		(3) The pr	esence of	other waters such	as intrastat	e lakes, rivers, streams (including intermittent streams), mudflats,	
		sandflats,	wetlands,	sloughs, prairie po	tholes, we	t meadows, playa lakes, or natural ponds, the use, degradation or	
						nerce including any such waters (check all that apply):	
						or foreign travelers for recreational or other purposes.	
						be taken and sold in interstate or foreign commerce.	
	<u> </u>					l purposes by industries in interstate commerce.	
:				of waters otherwise			
				a tributary to a wa territorial seas.	ter identiff	ed in (1) – (4) above.	
,					to other w	vaters of the US, except for those wetlands adjacent to other wetlands.	
		( ) pr		sianas aajavoin		22 23, the ept to more mention adjuvent to other wellands.	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

	Ordinary High Water Mark indicated by:  I clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  I water Mark indicated by:  I High Tide Line indicated by:  Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: NWI
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
$\boxtimes$	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Rio Grande City North  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Hydrological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrang

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** D-17396

				FORMATION:						
	State		Texas							
	Cou		Nueces			N. 65 65 65 W. 65 65 65 6				
	Center coordinates of site (latitude/longitude): N 27.83953 W 97.05878  Approximate size of area (parcel) reviewed, including uplands: 0.1 acres.									
					d, including	g uplands: 0.1 acres.				
				vay: Turtle Cove						
1	Nam	e of wate	ershed:	Gulf of Mexico						
				RMINATION	_					
(	Com	pleted:	Desktop	determination	$\boxtimes$	Date: 6/27/05				
			Site visit	(s)		Date(s):				
,	Juri	sdictiona	l Determi	ination (JD):						
1		Prelimin	arv ID - B	ased on available i	nformation	$a$ , $\Box$ there appear to be (or) $\Box$ there appear to be no "waters of the				
•		United S	tates" and			Inited States" on the project site. A preliminary JD is not appealable				
ı	XI	Approve	d ID – An	annroved ID is an	annealahle	e action (Reference 33 CFR part 331).				
	_		I that appl		иррошион	custom (Noteronous as of the pair ass 1).				
		<b>57</b> m	"							
						rates" (as defined by 33 CFR part 329 and associated guidance) within tional area: 100 square feet.				
		Thous	a ana firint	ara af tha Unitad C	totos" (os .	defined by 33 CFR part 328 and associated guidance) within the				
		reviewed	l area. Ap	proximate size of j	urisdiction	al area:				
		There	e are "isol			nte waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No				
				Jurisdiction.	ou by SWA	inversing facility Blid Rule Information sheet for Determination of two				
BASI	IS O	F JURIS	DICTIO	NAL DETERMIN	ATION:					
						avigable waters of the United States":				
	$\boxtimes$					b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.				
]	В.	Waters	defined u	nder 33 CFR part	328.3(a) a	s "waters of the United States":				
1	ġ.	(1) The p	oresence o	f waters, which are	currently	used, or were used in the past, or may be susceptible to use in				
						ters which are subject to the ebb and flow of the tide.				
	S.	(2) The p	oresence o	f interstate waters i	including in	nterstate wetlands <sup>1</sup> .				
- 1						te lakes, rivers, streams (including intermittent streams), mudflats,				
						et meadows, playa lakes, or natural ponds, the use, degradation or				
						merce including any such waters (check all that apply):				
						or foreign travelers for recreational or other purposes.				
						d be taken and sold in interstate or foreign commerce.				
						al purposes by industries in interstate commerce.				
						as waters of the US. ied in (1) – (4) above.				
				f a tribulary to a wa	ater idelitii	icu iii (1) — (4) auuve.				
ļ	Ħ	(7) The p	resence o	i territoriai seas. f wetlands adiacent	t <sup>2</sup> to other s	waters of the US, except for those wetlands adjacent to other wetlands.				
	ليا	(1) THE	Ji escrice U	1 metianas aujacem	to other	maters of the 60, except for those wettands adjacent to other wettands.				

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17396 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation shelving other: other: Mean High Water Mark indicated by: ⊠ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: NWI **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. П Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Port Aransas, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Port Aransas, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date):

(NGVD)

100-year Floodplain Elevation is:

Advanced Identification Wetland maps:
 Site visit/determination conducted on:
 Applicable/supporting case law:
 Other information (please specify):

Other photographs (Date):

Aerial Photographs (Name & Date): GLO 2002

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** D-17402

waters of the ot appealable						
idance) within						
☑ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 3.25 acres.						
mination of No						
been used in						
use in ), mudflats, adation or other wetlands						
idance ithin the mination been use in adation						

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

	I Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  rdinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
⊠ M C	ean High Water Mark indicated by:  ] survey to available datum;     physical markings;   vegetation lines/changes in vegetation types.
⊠ W N	etland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: WI, USACE
TI U H T	Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
M M Di	ATEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  aps, plans, plots or plat submitted by or on behalf of the applicant.  ata sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  ata sheets prepared by the Corps.  This office does not concur with the delineation report, dated , prepared by (company):  ata sheets prepared by the Corps.  This office does not concur with the delineation report, dated , prepared by (company):  at sheets prepared by the Corps.  This office does not concur with the delineation report, dated , prepared by (company):  at sheets prepared by the Corps.  This office does not concur with the delineation report, dated , prepared by (company):  at sheets prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  at sheets prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  at sheets prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  at sheets prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  at sheets prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  at sheets prepared by (

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** D-17403

			FORMATION:		
Stat		Texas			
	inty:	Willacy	/1 - 414 1 - /1 14 1	- \	N 24 55400 W 07 40710
App Nar	oroximate s	size of are est waterw	te (latitude/longitud a (parcel) reviewed ay: Port Mansfield Lower Laguna Ma	, including Harbor	N 26.55400 W 97.42712 g uplands: 0.11 acres.
JURISD	ICTIONA	L DETE	RMINATION		
Cor	npleted:	Desktop	determination	$\boxtimes$	Date: 6/28/05
	•	Site visit			Date(s):
			,		
Jur	isdictional	Determi	nation (JD):		
\$ ]	United St	ates" and/			, \( \text{ there appear to be (or) } \) \(  there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
$\boxtimes$		d JD – An that apply		appealable	e action (Reference 33 CFR part 331).
					ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: 0.021 acres.
			ers of the United Sta proximate size of ju		defined by 33 CFR part 328 and associated guidance) within the all area:
	There	are "isolo			te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS (	OF JURIS	DICTION	NAL DETERMINA	ATION:	
					ivigable waters of the United States":
	The prese	nce of wa	ters that are subject	to the ebb	o and flow of the tide and/or are presently used, or have been used in art interstate or foreign commerce.
В.	Waters d	lefined un	ider 33 CFR part 3	328.3(a) a	s "waters of the United States":
					used, or were used in the past, or may be susceptible to use in
			i commerce, includ f interstate waters ir		ters which are subject to the ebb and flow of the tide.
					te lakes, rivers, streams (including intermittent streams), mudflats,
ليبا					et meadows, playa lakes, or natural ponds, the use, degradation or
					nerce including any such waters (check all that apply):
					or foreign travelers for recreational or other purposes.
					be taken and sold in interstate or foreign commerce.
F-361					al purposes by industries in interstate commerce.
			of waters otherwise f a tributary to a wa		ed in $(1)$ – $(4)$ above.
固			f territorial seas.		
				to other v	vaters of the US, except for those wetlands adjacent to other wetlands.
				_	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: D-17403 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: NWI **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Port Mansfield, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Port Mansfield, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): GLO 2002, 2004

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG-PE-RCC

FILE NUMBER: D-17423

PROJE	CT LOCA		FORMATION:					
	ite:	Texas						
	unty:	Nueces						
			e (latitude/longitu	,	27-49-50/97-03-59			
					g uplands: 4.74 acres.			
			ay: Corpus Christ	•				
Na	me of wate	ershed:	Corpus Christi Ba	ay				
JURIS	DICTION	AL DETER	RMINATION					
Co	mpleted:	Desktop d	determination	$\boxtimes$	Date: 30 jun 2005			
	-	Site visit(	s)	$\boxtimes$	Date(s): 5 Sep 2002; 11 May 2005			
Ju	risdictiona	l Determin	nation (JD):					
49	United S		or "navigable wat		, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable			
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:							
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:							
	☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 3.74 acres.							

# BASIS OF JURISDICTIONAL DETERMINATION:

Jurisdiction.

125

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: wetlands adjacent to Corpus Christi Bay via culverts & Steamers Ditch.

FILE NUMBER: D-17423 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects clear, natural line impressed on the bank the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Shiner Moseley & Associates **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 14 Jun 2005, prepared by (company): Shiner Moseley & Assoc., Inc. This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Port Aransas, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Nueces Co. National wetlands inventory maps: Port Aransas, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 2002 DOOO

Other photographs (Date):

Applicable/supporting case law: Other information (please specify):

Advanced Identification Wetland maps:

Site visit/determination conducted on: 5 Sept 2002; 11 May 2005

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG-PE-RCC

FILE NUMBER: D-17424

<b>PROJE</b>	CT LOCA	TION IN	FORMATION:				
Sta	te:	Texas					
	,	Cameron					
			te (latitude/longitu		25-56-31/97-28-12		
Na		st waterw	a (parcel) reviewed ay: Resaca de la P Rio Grande		g uplands: 26.3 acres acres.		
TIDICI	NOTIONA	LDEFE	DAGNATION				
			RMINATION	N21	D-4 30 I 2005		
Co	mpieteu:	Site visit	determination (s)		Date: 30 June 2005 Date(s):		
Jui			nation (JD):				
<b>3</b>	United St	ates" and	ased on available i for "navigable wate part 331).	nformation ers of the U	, \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable		
×	Approved Check all			appealable	e action (Reference 33 CFR part 331).		
			gable waters of the Approximate size		ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:		
	There reviewed	are "wate area. Ap	ers of the United Sproximate size of j	ates" (as ourisdictions	defined by 33 CFR part 328 and associated guidance) within the al area:		
	<b>⊠</b> There	are "isolo			ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.		
BASIS	OF JURISI	DICTION	NAL DETERMIN	ATION:			
A.	Waters d The prese	efined un	der 33 CFR part ters that are subject	329 as "na t to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.		
	(1) The printerstate	resence of or foreigr	waters, which are commerce, include	currently uling all wat	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide.		
	(3) The present sandflats, destruction (i) when the present its contraction (ii) when the present its contraction (iii) when the present its contraction (iiii) when the present its contraction (iiiii) when the present its contraction (iiiiiii) when the present its contraction (iiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiii	resence of wetlands on of whic hich are o	other waters such sloughs, prairie po h could affect inter r could be used by	as intrastate otholes, we state commitmentate of the commitmentate of th	nterstate wetlands <sup>1</sup> .  te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes.  be taken and sold in interstate or foreign commerce.		
	(4) Impou (5) The pr (6) The pr	indments resence of resence of	of waters otherwise a tributary to a wa territorial seas.	e defined a iter identifi	al purposes by industries in interstate commerce.  s waters of the US.  led in (1) – (4) above.  waters of the US, except for those wetlands adjacent to other wetlands.		

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
2	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: East Brownsville; TX  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Histor

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

## JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

			CE: CESV GP14392(					
PRO	State Cour Cent Appr Nam	: nty: er coordi oximate	size of are est waterw	te (latituo a (parcel	le/longitud ) reviewed sas Chann	, including	N27-52-42/W97-05-48 guplands: 4.25 acres.	
JUR			AL DETE Desktop Site visit	determin		$\boxtimes$	Date: 30 jun 2005 Date(s): 11 April 2005, 11 May 2005	
	Juri	sdictiona	ıl Determi	nation (	JD):			
		United S	ary JD - B tates" and ce 33 CFF	/or "navi	gable wate	formation rs of the U	, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the inited States" on the project site. A preliminary JD is not appealable	
	×		d JD – An Il that appl		d JD is an	appealable	e action (Reference 33 CFR part 331).	
		☐ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) with the reviewed area. Approximate size of jurisdictional area: 3.0 acres.						
		There are "waters of the United States" (as de reviewed area. Approximate size of jurisdictional					defined by 33 CFR part 328 and associated guidance) within the al area: 0.047 acres.	
		There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.						
BAS	<b>A</b> .	Waters The pres	defined u	nder 33 aters that	are subjec	329 as "nate to the ebl	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in brit interstate or foreign commerce.	
	B. ⊠	(1) The interstat (2) The (3) The sandflat destruct	presence of e or foreig presence of presence of s, wetland ion of whi which are	of waters, in comme of intersta of other was, slough ch could or could	which are erce, include the waters in vaters such s, prairie per affect interests be used by	currently ling all wa neluding is as intrasta otholes, we rstate com- interstate	used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide.  Interstate wetlands .  Ite lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply):  or foreign travelers for recreational or other purposes.  It be taken and sold in interstate or foreign commerce.	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tidal waters of the channel to Aransas Pass.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

[ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

FILE NUMBER: GP14392(05)/1973 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  $\Box$ Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: September 1971 Galveston District List of Navigable Waters of the US. U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Estes, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Estes, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 2002 DOQQ Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 11 April 2005, 11 May 2005 Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

## JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG-PE-RCC **FILE NUMBER:** SWG-05-29-006

I ILL II	CIVIDEIX.	5 11 6 00 .	27 000				
			FORMATIO	N:			
Sta		Texas					
	unty: ster coordi	Cameron	e (latitude/lon	gitude):	26-06-38/97-15-24		
Ap Na	proximate	size of are		ewed, including	g uplands: 0.5 acres.		
				_			
			RMINATION determination (s)		Date: 30 Jun 2005 Date(s): 17 Nov 2004		
Jui	isdictiona	l Determi	nation (JD):				
314	Jurisdictional Determination (JD):  Preliminary JD - Based on available information,  there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).						
$\boxtimes$		d JD – An I that apply		s an appealable	e action (Reference 33 CFR part 331).		
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
	☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.2 acres.						
	There	e are "isol			ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.		
A.	Waters of	defined ur ence of wa	ters that are su	part 329 as "nabject to the eb	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.		
<b>B.</b>	(1) The printerstate	oresence of or foreign	f waters, which n commerce, ir	are currently all wa	used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide.  nterstate wetlands <sup>1</sup> .		
***	(3) The property sandflats destructi (i) v	oresence of , wetlands on of which which are of from which	f other waters so , sloughs, prain th could affect or could be use th fish or shellf	such as intrastarie potholes, winterstate coming by interstate ish are or could	tte lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. d be taken and sold in interstate or foreign commerce. al purposes by industries in interstate commerce.		
<b>原</b> 發	(4) Impo (5) The p	undments presence o	of waters othe	rwise defined a a water identif	as waters of the US. Tied in (1) – (4) above.		

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands adjacent and contiguous to Laguna Madre.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

2 **FILE NUMBER:** SWG-05-29-006 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Estrella del Mar Environmetal, James White **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: П Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. П Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 16 jun 2004, prepared by (company): Estrella del Mar Env. This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Los Fresnos, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Los Fresnos, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 2002, DOQQ Other photographs (Date):

Advanced Identification Wetland maps:

Applicable/supporting case law: Other information (please specify):

Site visit/determination conducted on: 17 Nov 2004

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-17248

### PROJECT LOCATION INFORMATION:

State:

Texas

County:

Montgomery

Center coordinates of site (latitude/longitude):

30.3194°N, 95.4016°W

Approximate size of area (parcel) reviewed, including uplands: 37 acres.

Name of nearest waterway: West-Fork Crystal Creek

Name of watershed: San Jacinto ROver

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 1 June 2005

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \begin{aligned} \text{there appear to be (or) } \begin{aligned} \text{there appear to be no "waters of the } \end{aligned} \] United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Mathere are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area,

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
    - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17248 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1976 Conroe U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Montgomery Co. December 1996 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-16840

### PROJECT LOCATION INFORMATION:

Texas

County: Harris

Center coordinates of site (latitude/longitude):

29 49'53"N 95 45' 08"W

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: South Mayde Creek

Name of watershed: Buffao Bayou

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 22 June 2005 Date(s): 15 June 2005

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, Ithere appear to be (or) I there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Marchard There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: South Mayde Creek is a tributary of Buffalo Bayou, which is a navigable water subject to the ebb and Ifow of the daily tide.

teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ other: □ other: □ others □ Ordinary High Water Mark indicated by: □ oil or scum line along shore objects □ fine shell or debris deposits (foreshore) □ physical markings/characteristics □ tidal gages □ other:
Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  □ This office concurs with the delineation report, dated December 2004, prepared by (company): Paradigm □ This office does not concur with the delineation report, dated □ , prepared by (company): Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: 1980 Katy, TX  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey Digital Katy  State/Local wetlands inventory maps: Digital Katy  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Harris County Q3  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: 15 June 2005  Applicable/supporting case law:

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-17286

# PROJECT LOCATION INFORMATION:

State:

Texas

County:

Montgomery

Center coordinates of site (latitude/longitude):

30° 03' 58"N, 95° 14' 35"W

Approximate size of area (parcel) reviewed, including uplands: 14.9 acres.

Name of nearest waterway: Bens Branch Name of watershed: San Jacinto River

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 14 June 2005

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the preserved on the control of the preserved on the control of the contr United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:	
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:	
Ba	s For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.	
	Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land f the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFF	
	28.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:	Ĺ
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):	
DATA F	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: 1977 Moonshine Hill  J.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Montgomery 1976 Harris County  National wetlands inventory maps: 1999 Moonshine Hill  State/Local wetland inventory maps: 1999 Montgomery County  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 2002 Landiscor  Other photographs (Name & Date): 2002 Landiscor  Other photographs (Name & Date): Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):	

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-17373

# PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris Center coordinates of site (latitude/longitude):

29° 53' 40"N, 95° 43' 38"W

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Dinner Creek Name of watershed:

Buffalo Creek

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 27 June 2005

Site visit(s)

Date(s):

### Jurisdictional Determination (JD):

Freliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Marcher are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Dinner CReek flows into Buffalo Bayou, a navigable water sunject to the ebb and flow of the daily tide

	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
<b>*</b>	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	<ul> <li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li> <li>Other (explain):</li> </ul>
DATA ]	This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Cypress  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Harris County Q3  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:
	Advanced Identification Wetland maps:

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE N PROJE Sta Co Cer Ap Na:	ICT OFFICE: CESWG IUMBER: D-17287 ICT LOCATION INFORMATION: Ite: Texas unty: Harris Inter coordinates of site (latitude/longitude): proximate size of area (parcel) reviewed, including uplands: _36-ac Imperior of mearest waterway: Vogel Creek Imperior of watershed: Buffalo/San Jacinto						
	DICTIONAL DETERMINATION  mpleted: Desktop determination						
Jui	risdictional Determination (JD):						
	Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \) \( \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).						
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:						
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
	<ul> <li>There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.</li> <li>Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.</li> </ul>						
BASIS (	OF JURISDICTIONAL DETERMINATION:						
	The state of the s						
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":						
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.						
	(2) The presence of interstate waters including interstate wetlands <sup>1</sup> .						
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.						
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.						
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.						
	<ul> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> <li>(6) The presence of territorial seas.</li> </ul>						
Б	(7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.						

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER:

D-17287

Lat	Ordinary High Water Mark indicated by:  I clear, natural line impressed on the bank  I changes in the character of soil  destruction of terrestrial vegetation  shelving  other:  High Tide Line indicated by:  oil or scum line along shore objects  fine shell or debris deposits (foreshore)  physical markings/characteristics  tidal gages  other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company): SWCA, prepared by the Corps.  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Aldine  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Astural Resources Conservation Service Soil Survey: Harris County Soil Survey  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): FIRM Panel 48201C0465K, April 20, 2000  100-year Floodplain Elevation is:  Aerial Photographs (Name & Date): CIR 1995 DOQQ  Other photographs (Date): See Report  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE N PROJE Sta Co Ce Ap Na	ICT OFFICE: CESWG IUMBER: D-17337 ICT LOCATION INFORMATION: Ite: Texas IUMBER: Texas IUMBER: Texas IUMBER: D-17337 IUMBER: D-1					
	DICTIONAL DETERMINATION  mpleted: Desktop determination					
Ju	risdictional Determination (JD):					
	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).					
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:					
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.					
BASIS (	OF JURISDICTIONAL DETERMINATION:					
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.					
B.	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands <sup>1</sup> .					

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER:

D-17337

La B	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba D	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
Tolunay-	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company): Berg Oliver  This office does not concur with the delineation report, dated, prepared by (company):  Wong Engineers, Inc.  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Friendswood, 1979  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. A Natural Resources Conservation Service Soil Survey: Harris County Soil Survey  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): FEMA FIRM (48201C1055K and 1060L)  100-year Floodplain Elevation is:  Aerial Photographs (Name & Date): CIR 1995 DOQQ  Other photographs (Date): See Report  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

						, <b>FB</b>			
	ICT OFFIC IUMBER: I		/G-PE-RC						
Sta Co Ce Ap Na	ite: unty: nter coordin proximate s	Texas Harris ates of site ize of area st waterwa	e (latitude/long (parcel) reviev y: Clear Lake Clear Creek	itude):	: ncluding	29° 33' 03"N, 95° uplands: ac	04' 54"W res.		
	mpleted:		RMINATION etermination		X B	Date: 29 June 200 Date(s):	5		
Ju	risdictional	Determin	ation (JD):						
3		ates" and/o	or "navigable w						e no "waters of the D is not appealable
×	Approved Check all	JD – An a that apply	approved JD is	an app	pealable	action (Reference 3	33 CFR part 331)	).	
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:								
			rs of the United roximate size o			efined by 33 CFR p l area:	part 328 and asso	ciated guidan	ce) within the
		$\boxtimes$				e waters or wetland ICC/Migratory Bir			Determination of No
<u>A.</u>	A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.								
<b>2</b>	<ul> <li>(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.</li> <li>(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.</li> <li>(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): <ul> <li>(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.</li> <li>(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.</li> <li>(iii) which are or could be used for industrial purposes by industries in interstate commerce.</li> </ul> </li> </ul>								

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated January2005, prepared by (company): CESI This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated January2005, prepared by (company): CESI This office does not concur with the delineation report, dated January2005, prepared by (company): Data sheets prepar

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE N	UMBER: D-13733/(01)				
Sta Co Cer Ap Na:	CT LOCATION INFORMATION:  te: Texas  unty: Texas  ter coordinates of site (latitude/longitude): 29° 57' 57"N, 95° 36' 26"W  proximate size of area (parcel) reviewed, including uplands: acres.  me of nearest waterway: Cypress Creek  me of watershed: Pyress Creek				
	DICTIONAL DETERMINATION  mpleted: Desktop determination				
Jur	Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).				
⊠	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331).  Check all that apply:  There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:				
	<ul> <li>☑ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:</li> <li>☑ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.</li> <li>☑ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.</li> </ul>				
	OF JURISDICTIONAL DETERMINATION:  Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.				
B. ☑	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.				

- presence of interstate waters including interstate wetlands.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.

- (f) The presence of a tributary to a water identified in (1) (4) above.

  (6) The presence of territorial seas.

  (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetland is located within 100-year floodplain of Cypress Creek with no significant barriers between wetland and Cypress Creek.

FILE NUMBER: D-13733/(01) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Othon. Inc. **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant.

Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated January 2005, prepared by (company): Othon, Inc. This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps.
Corps' navigable waters' studies: Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Satsuma U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: 1976 Harris Co. National wetlands inventory maps: State/Local wetland inventory maps:
FEMA/FIRM maps (Map Name & Date): 2000 Harris County 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): •1955, 1965, 1980 & 2000 Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on: 15 June 2005

Applicable/supporting case law:
Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RC** FILE NUMBER: D-10193/(02)

### PROJECT LOCATION INFORMATION:

State:

Texas Harris

County:

Center coordinates of site (latitude/longitude):

29 58'06"N 95 22' 03"W

Approximate size of area (parcel) reviewed, including uplands: 37 acres. Name of nearest waterway: Unnamed Tributary of Greens Bayou

Name of watershed: Greens Bayou

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 14 June 2005

Site visit(s) Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square\) there appear to be (or) \( \square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

[III] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Mathere are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

L	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and	FILE NUMBER: D-10193/(02)
		High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetates.	ation lines/changes in vegetation types.
i.	Wetland boundaries, as shown on the attached wetland delineati	ion map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(a)(a)(b) Headquarters declined to approve jurisdiction on the basis of 33 The Corps has made a case-specific determination that the follow United States:  Waste treatment systems, including treatment ponds or la Artificially irrigated areas, which would revert to upland Artificial lakes and ponds created by excavating and/or decretain water and which are used exclusively for such purrice growing.  Artificial reflecting or swimming pools or other small or by excavating and/or diking dry land to retain water for post water-filled depressions created in dry land incidental to the purpose of obtaining fill, sand, or gravel unless and unabandoned and the resulting body of water meets the definition of the purpose of obtaining fill, sand, or gravel unless and unabandoned and the resulting body of water meets the definition of the purpose of obtaining fill, sand, or gravel unless and unabandoned and the resulting body of water meets the definition of the purpose of obtaining fill, sand, or gravel unless and unabandoned and the resulting body of water meets the definition of the purpose of obtaining fill, sand, or gravel unless and unabandoned and the resulting body of water meets the definition of the purpose of obtaining fill, sand, or gravel unless and unabandoned and the resulting body of water meets the definition of the purpose of obtaining fill, sand, or gravel unless and unabandoned and the resulting body of water meets the definition of the purpose of obtaining fill, sand, or gravel unless and unabandoned and the resulting body of water meets the definition of the purpose of obtaining fill, sand, or gravel unless and unabandoned and the resulting body of water meets the definition of the purpose of obtaining fill, sand, or gravel unless and unabandoned and the resulting body of water meets the definition of the purpose of obtaining fill sand the resulting body of water meets the definition of the purp	CFR part 328.3(a)(3). wing waters present on the site are not Waters of the agoons, pursuant to 33 CFR part 328.3. if the irrigation ceased. liking dry land to collect and posses as stock watering, irrigation, settling basins, or mamental bodies of water created orimarily aesthetic reasons. construction activity and pits excavated in dry land for ntil the construction or excavation operation is nition of waters of the United States found at 33 CFR
	Non-tidal drainage or irrigation ditches excavated on dry Other (explain):	land. Explain rationale:
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (m Maps, plans, plots or plat submitted by or on behalf of the applican Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated April 19 This office does not concur with the delineation report, dated Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Hum U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic Soil Survey: 1976	ont.  999, prepared by (company): Entrix , prepared by (company):
	National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 1996 Harris County 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Humble DOQQ Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	o Harris County

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** 

FILE NU	MBER: SWG-05-07-0	24	
State: Coun Cente Appro Name	ty: Harris r coordinates of site (la eximate size of area (pa of nearest waterway:	atitude/longitude): arcel) reviewed, includir	Lat: 29.53.38 Long: 95.28.01 ng uplands: 0.01 acres.
	CTIONAL DETERM  Deted: Desktop deter  Site visit(s)		Date: 5 July 2005 Date(s):
Juriso	lictional Determination	on (JD):	
ι	reliminary JD - Based Inited States" and/or "i Reference 33 CFR part	navigable waters of the	n, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
<b>⊠</b> A	pproved JD - An appr heck all that apply:	roved JD is an appealabl	e action (Reference 33 CFR part 331).
tl	There are "navigable reviewed area. App	e waters of the United S roximate size of jurisdic	tates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
re	There are "waters of twicewed area. Approxi	f the United States" (as mate size of jurisdiction	defined by 33 CFR part 328 and associated guidance) within the nal area:
	Dec	non-navigable, intra-statistion supported by SWA sdiction.	ate waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No.
A. V	/aters defined under and a presence of waters t	DETERMINATION: 33 CFR part 329 as "no hat are subject to the ebit of the state of t	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in

the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency

determination:

2 FILE NUMBER: SWG-05-07-024 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):

Other photographs (Date):

П

Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG FILE NUMBER: 23836** 

State:

Texas

County:

Chambers

29.6281N; 94.7495W

Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: 2 acres.

Name of nearest waterway: Trinity Bay

Site visit(s)

Name of watershed: Gulf of Mexico

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 5 July 05

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the or the content of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23836 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: 14114(05)848

(6) The presence of territorial seas.

FILE N	NUMBER: 14114(05)848
Sta Co Ce Ap Na	ECT LOCATION INFORMATION:  ate: Texas  bunty: Chambers  enter coordinates of site (latitude/longitude): Lat: 29.50.29 Long: 94.39.15  approximate size of area (parcel) reviewed, including uplands: 0.69 acres.  time of nearest waterway: Turtle Bayou  time of watershed: Galveston Bay
	DICTIONAL DETERMINATION  propleted: Desktop determination
Ju	risdictional Determination (JD):
	Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (	OF JURISDICTIONAL DETERMINATION:
Α.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands <sup>1</sup> . (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.  (5) The presence of a tributary to a water identified in (1) – (4) above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 14114(05)848 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: Survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  $\boxtimes$ Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant.

Data sheets prepared/submitted by or on behalf of the applicant Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG FILE NUMBER: 23840

PROJECT LOCATION INFORMATION:

	State		Texas			
	Con			n/Chambers te (latitude/longitud	40).	Latituda 200 201 20 4070011. Languista 040 54, 07 742141
				a (parcel) reviewed		Latitude 29° 29' 30.69788"; Longitude -94° 54; 07.76216" guplands: acres.
				ay: West Galveston		supranus. acres.
	Nan	ne of wate	rshed:	West Galveston B		2040204
JUF	RISD	ICTIONA	AL DETE	RMINATION		
	Con	npleted:	Desktop of Site visite	determination (s)	$\square$	Date: 1 July 2005 Date(s):
	Juri	sdictiona	l Determi	nation (JD):		
				• •	nformation	, Lthere appear to be (or) there appear to be no "waters of the
		United St	tates" and/	or "navigable water part 331).	ers of the U	nited States" on the project site. A preliminary JD is not appealable
	X		d JD – An I that apply		appealable	action (Reference 33 CFR part 331).
		<b>☒</b> There the review	e are "navi wed area.	gable waters of the Approximate size	United State of jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
		<b>☒</b> There reviewed	are "wate area. App	ers of the United Storoximate size of ju	ates" (as durisdictions	defined by 33 CFR part 328 and associated guidance) within the al area:
		☐ There	are "isolo			te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No
BAS	SIS O	F JURIS	DICTION	NAL DETERMIN	ATION:	
						vigable waters of the United States":
		The prese	ence of wa	ters that are subjec	t to the ebb	and flow of the tide and/or are presently used, or have been used in ti interstate or foreign commerce.
	B.	Waters o	lefined un	der 33 CFR part	328.3(a) as	s "waters of the United States":
	$\boxtimes$	(1) The p	resence of	waters, which are	currently u	ised, or were used in the past, or may be susceptible to use in
	П	interstate	or foreign	commerce, includ	ling all wat	ers which are subject to the ebb and flow of the tide.
	Н			interstate waters in other waters such		e lakes, rivers, streams (including intermittent streams), mudflats,
		sandflats,	, wetlands,	, sloughs, prairie po	otholes, we	t meadows, playa lakes, or natural ponds, the use, degradation or
						nerce including any such waters (check all that apply):
						or foreign travelers for recreational or other purposes.
						be taken and sold in interstate or foreign commerce.  I purposes by industries in interstate commerce.
		(4) Impor	undments	of waters otherwise	e defined as	s waters of the US.
		(5) The p	resence of	a tributary to a wa		ed in (1) – (4) above.
				territorial seas. wetlands adjacent	<sup>2</sup> to other w	vaters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:



FILE NUMBER: 23840 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Bacliff and Texas City Quads U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	ICT OFFICE: CESWG IUMBER: 23837
Sta Co Ce Ap Na	te: Texas unty: Trinity nter coordinates of site (latitude/longitude): 30° 56′ 07″N, 95° 16′ 03″W (NAD27) proximate size of area (parcel) reviewed, including uplands:0.06 acre. me of nearest waterway: Lake Livingston me of watershed: Lower Trinity
	DICTIONAL DETERMINATION  mpleted: Desktop determination
Ju	risdictional Determination (JD):
	Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (	OF JURISDICTIONAL DETERMINATION:
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
2 2	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.
	<ul> <li>(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):</li> <li>(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.</li> <li>(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.</li> </ul>
<u> </u>	(iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.  (5) The presence of a tributary to a water identified in (1) – (4) above.  (6) The presence of territorial seas.  (7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.
Road	(7) The presence of wellands adjacent to other waters of the Os, except for those wellands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed project is located within Lake Livingston.

Ī	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 3	328 and 3	329)	23837
2	Ordinary High Water Mark indicated by:			Tide Line indicated by:
	clear, natural line impressed on the bank	******	'n	oil or scum line along shore objects
	the presence of litter and debris		Ħ	fine shell or debris deposits (foreshore)
	changes in the character of soil		H	physical markings/share statistic
	destruction of terrestrial vegetation		H	physical markings/characteristics
			$\sqcup$	tidal gages
	shelving		$\sqcup$	other:
	other: Applicant supplied plans, 131 elevation.			
F	Market Ma			
	Mean High Water Mark indicated by:			
	survey to available datum; physical markings;	🗌 vegeta	tion	lines/changes in vegetation types.
2000				· ·
	Wetland boundaries, as shown on the attached wetland	delineati	on m	ap and/or in a delineation report prepared by:
B	Unable to confirm the presence of waters in 33 CFR par Headquarters declined to approve jurisdiction on the bas The Corps has made a case-specific determination that t United States:  Waste treatment systems, including treatment po Artificially irrigated areas, which would revert to Artificial lakes and ponds created by excavating retain water and which are used exclusively for some growing.  Artificial reflecting or swimming pools or other some pools or other s	sis of 33 the followed by the	CFR goon goon if the iking sooses ameriman consistil the inition meresour	part 328.3(a)(3). waters present on the site are not Waters of the s, pursuant to 33 CFR part 328.3. rirrigation ceased. dry land to collect and as stock watering, irrigation, settling basins, or ntal bodies of water created rily aesthetic reasons. rruction activity and pits excavated in dry land for the construction or excavation operation is n of waters of the United States found at 33 CFR tee. ces Conservation Service, Explain rationale.
DATA NAME OF THE PARTY OF THE P	Data sheets prepared/submitted by or on behalf of the app.  This office concurs with the delineation report, dated.  This office does not concur with the delineation report.  Data sheets prepared by the Corps.	e applica plicant. l rt, dated	nt.	all that apply):  prepared by (company):  prepared by (company):
	Advanced Identification Wetland maps:			
Щ	Site visit/determination conducted on:			
	Applicable/supporting case law:			
	Other information (please specify):			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: SWG-05-14-017

PROJECT	LOCATION	<b>INFORMATION:</b>
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State:

Texas

County:

Tyler Center coordinates of site (latitude/longitude):

Lat: 30.46.29 Long; 94.25.53

Approximate size of area (parcel) reviewed, including uplands: 4 acres.

Name of nearest waterway: Litle Turkey Creek

Name of watershed: Village

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 29 June 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square \) there appear to be (or) \( \square \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.88.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

[3] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(2) The presence of interstate waters including interstate weblands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent 2 to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5) or 6 is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

1	ateral l	Extent of Innialistics (D. C		FILE NUMBER: SWG-05-14-017
ĺ	Ord	Extent of Jurisdiction: (Reference: 33 CFR part inary High Water Mark indicated by:		
		clear, natural line impressed on the bank	■ Hiē	th Tide Line indicated by:
		the presence of litter and debris	<u>_</u>	oil or scum line along shore objects
	ñ	changes in the character of soil	느	fine shell or debris deposits (foreshore)
	Ħ	destruction of terrestrial vegetation	닏	physical markings/characteristics
	Ħ	shelving	L	tidal gages
	H	other:		other:
		·		
	Mean	n High Water Mark indicated by:		
•		urvey to available datum; physical markings;	☐ vegetation	lines/ahangas in was at the st
	_	, physical markings,	U vegetation	innes/changes in vegetation types.
L	Weti	and boundaries, as shown on the attached wetlan	d delineation r	nap and/or in a delineation report prepared by:
	The r Unab Head	Not Asserting Jurisdiction: reviewed area consists entirely of uplands. rele to confirm the presence of waters in 33 CFR p quarters declined to approve jurisdiction on the b	asis of 33 CFF	P nort 308 3(a)(3)
E	The (	Corps has made a case-specific determination tha	t the following	Waters present on the cite are not Weters - S.d.
	Unite	od States.		
		Waste treatment systems, including treatment Artificially irrigated areas, which would revert	ponds or lagoo	ns, pursuant to 33 CFR part 328.3.
		Artificial lakes and ponds created by excavating	g and/or dikin	g dry land to collect and
		retain water and which are used exclusively for	r such purpose	s as stock watering, irrigation, settling basins, or
	_	nee growing.		
		Artificial reflecting or swimming pools or other	r small orname	ental bodies of water created
	$\Box$	by excavaling and/or diking dry land to retain	water for prima	rily aesthetic reasons
		water-fifted depressions created in dry land inc	cidental to con-	Struction activity and nite excepted in declared con-
		abandoned and the resulting body of water mee	iess and until t	he construction or excavation operation is on of waters of the United States found at 33 CFR
		320.5(a).		
	П	Isolated, intrastate wetland with no nexus to int	Notate comme	rce.
	_	Prior converted cropland, as determined by the	Naturai Resou	rces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavat	ed on dry land	Explain rationale:
		Other (explain):		. Explain rationale.
DATA	<b>D D</b> 1 1 1 1 1 1			
DAIA	Mone	WED FOR JURSIDICTIONAL DETERMINA	TION (mark	all that apply):
1223	waps,	plais, plots of plat submitted by or on hehalf of i	he annlicant	
	Data Si	heets prepared/submitted by or on behalf of the a	pplicant.	
	Th	nis office concurs with the delineation report, date	ed , prep	ared by (company):
	Data ch	nis office does not concur with the delineation replacets prepared by the Corps.	ort, dated	, prepared by (company):
	Corns'	navigable waters' studies:		
菌	U.S. G	eological Survey Hydrologic Atlas:		
圂	U.S. G	eological Survey 7.5 Minute Topographic maps:		
	U.S. G	eological Survey 7.5 Minute Historic quadrangle	c.	
	U.S. G	eological Survey 15 Minute Historic quadrangles	·	
	USDA	Natural Resources Conservation Service Soil Su	rvev:	
	Nationa	al wetlands inventory maps:		·
	State/L	ocal wetland inventory maps:		
	FEMA/	FIRM maps (Map Name & Date):		
	100-yea	ar Floodplain Elevation is: (NGVD)		
	Aerial I	Photographs (Name & Date):		
	Other p	hotographs (Date):		
	Advanc	ed Identification Wetland maps:		
	Site vis	it/determination conducted on:		
	Applica	able/supporting case law:		
	Other in	nformation (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston District **FILE NUMBER:** SWG-05-14-018

FILE N	NUMBER: SW	VG-05-14-018		
Sta Co Ce Ap Na	ate: Te ounty: Hi enter coordinate oproximate size	waterway: Dry Creel	ngitude): iewed, includi	29-58-1.9 / 95-41-4.3 ng uplands: 0.13 acres.
	ompleted: De	<b>DETERMINATIO</b> esktop determination te visit(s)		Date: 30 June 2005 Date(s):
Ju	risdictional D	etermination (JD):		
	United State	JD - Based on availa s" and/or "navigable 33 CFR part 331).	ble information waters of the	on, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
Ø	Approved JI Check all that	O – An approved JD at apply:	is an appealab	le action (Reference 33 CFR part 331).
	There are the reviewed	e "navigable waters of area. Approximate	of the United S size of jurisdi	States" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
	☑ There are reviewed are	e "waters of the Unite a. Approximate size	ed States" (as of jurisdiction	defined by 33 CFR part 328 and associated guidance) within the nal area: 0.005 acres.
	There are	e "isolated, non-navi Decision sup Jurisdiction.	gable, intra-si ported by SW	tate waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No.
<u>A.</u>	Waters define The presence	of waters that are su	part 329 as "n bject to the eb	navigable waters of the United States":  bb and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
B.	(1) The prese interstate or 1 (2) The prese (3) The prese sandflats, we destruction o (i) which (ii) from	ence of waters, which foreign commerce, in ence of interstate wat ence of other waters s tlands, sloughs, prain f which could affect are or could be used which fish or shellfi	are currently actuding all waters including it such as intrasta- tic potholes, water interstate comand by interstate share or could	ate lakes, rivers, streams (including intermittent streams), mudflats, ret meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. d be taken and sold in interstate or foreign commerce.
2	(4) Impoundr	nents of waters other	wise defined	al purposes by industries in interstate commerce. as waters of the US.

(4) Impoundments of waters otherwise defined as water identified in (1) – (4) above.
(5) The presence of a tributary to a water identified in (1) – (4) above.
(6) The presence of territorial seas.
(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: SWG-05-14-018 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a) Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas:
U.S. Geological Survey 7.5 Minute Topogr U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service S dl Surveya National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):

Other photographs (Date):

Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** 

FILE N	IUMBER: D-17007
Sta Co Ce Ap Na	CCT LOCATION INFORMATION:  tte: Texas  unty: Galveston  nter coordinates of site (latitude/longitude):  proximate size of area (parcel) reviewed, including uplands:  me of nearest waterway: Eckert Bayou  me of watershed: Galeston Bay
	DICTIONAL DETERMINATION  mpleted: Desktop determination
Jur	risdictional Determination (JD):
	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
2	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
A.	OF JURISDICTIONAL DETERMINATION:  Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Lafitte's Cove canals are confluent with Eckert Bayou and Galveston Bay, both navigable waters

FILE NUMBER: D-17007 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects
fine shell or debris deposits (foresho the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant.

Data sheets prepared/submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps.
Corps' navigable waters' studies:
U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Lake Como U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date):

П

100-year Floodplain Elevation is:

Other photographs (Date):

Aerial Photographs (Name & Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify): Galveston Co. CAD map

(NGVD)

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

## JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 21345 (04)

1.17	L 111	JIVIDEIX.	<b>2</b> 137.	<b>(41)</b>			
PRO	)JE(	CT LOCA	TIO	N INFORMATIO	N:		
	State	e:	Texa	as			
		nty:	Braz				
				of site (latitude/lor		Latitude 28° 56' 33"N; Longitude -95° 17' 25"W	
				f area (parcel) revi		ng uplands: acres.	
				nterway: Gulf of M			
	Nan	ne of wate	rshed	: Austin-Oyste	er Huc: 1204	0205	
JUR	eisd	ICTION	AI. D	ETERMINATIO	V		
o CI				ctop determination		Date: 27 June 2005	
		pieteu.		visit(s)	⊠ □		
			Site	visiu(s)		Date(s):	
	Juri	isdictiona	l Det	ermination (JD):			
		United S	tates"			on, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable	
	Ø	Approve Check al			is an appealab	ple action (Reference 33 CFR part 331).	
				'navigable waters or rea. Approximate		States" (as defined by 33 CFR part 329 and associated guidance) within ictional area:	
				waters of the Unit Approximate size		s defined by 33 CFR part 328 and associated guidance) within the onal area:	
		☐ There	are '			state waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No	
RAS	as c	e ilibis	nica	ΓIONAL DETER	MINATION:		
DAN						navigable waters of the United States":	
		The prese	ence o	of waters that are si	ibject to the el	bb and flow of the tide and/or are presently used, or have been used in port interstate or foreign commerce.	
	В.	Waters	dofina	d under 22 CED	naut 229 2(a)	as "waters of the United States":	
	-					y used, or were used in the past, or may be susceptible to use in	
	K.M					vaters which are subject to the ebb and flow of the tide.	
	Ħ	<ul> <li>(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.</li> <li>(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,</li> </ul>					
	A	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or					
		destruction	on of	which could affect	interstate con	nmerce including any such waters (check all that apply):	
		☐ (i) w	hich	are or could be use	d by interstate	e or foreign travelers for recreational or other purposes.	
			from v	which fish or shellf	ish are or cou	ld be taken and sold in interstate or foreign commerce.	
						rial purposes by industries in interstate commerce.	
						as waters of the US.	
	靣					ified in $(1) - (4)$ above.	
				ce of territorial sea			
						r waters of the US, except for those wetlands adjacent to other wetlands.	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Ph

La	reral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  FILE NUMBER: 21345(0) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:	4)
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:	
Ba	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:	r
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):	
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Freeport, Texas  J.S. Geological Survey 7.5 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Geological Survey 16 Minute Historic quadrangles:  J.S. Geological Survey 17.5 Minute Historic quadrangles:  J.S. Geological Survey 18 Minute Historic quadrangles:  J.S. Geological Survey 19 Minute	

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: 23851

PR	OJE	CT	LOCA	TION	INFORM	MATION:

State: Texas County: Cham

County: Chambers
Center coordinates of site (latitude/longitude):

Lat: 29.38.36 Long: 94.51.18

Approximate size of area (parcel) reviewed, including uplands: 0.207 acres.

Name of nearest waterway: Galveston Bay Name of watershed: Galveston Bay

## JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Site visit(s)

X

Date: 27 June 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square \) there appear to be (or) \( \square \) there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
    - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
    - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
    - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
    - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
    - (6) The presence of territorial seas.
    - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: 23851 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG FILE NUMBER: 23851(01)** 

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State:

Texas

County:

Chambers Center coordinates of site (latitude/longitude):

Lat: 29.38.36 Long: 94.51.18

Approximate size of area (parcel) reviewed, including uplands: 0.202 acres.

Name of nearest waterway: Galveston Bay Name of watershed: Galveston Bay

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 27 June 2005

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information,  $\Box$  there appear to be (or)  $\Box$  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. 

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

	2
La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  FILE NUMBER: 23851(01)  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  J.S. Geological Survey Hydrologic Atlas:  J.S. Geological Survey 7.5 Minute Topographic maps:  J.S. Geological Survey 7.5 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Geological Survey 16 Minute Historic quadrangles:  J.S. Geological Survey 16 Minute Historic quadrangles:  J.S. Geological Survey 17 Minute Historic quadrangles:  J.S. Geological Survey 18 Minute Historic quadrangles:  J.S. Geological Survey 19 Minute Historic quadrangles:  J.S. Geological Survey 10 Minute Historic quadrang

Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: SWG-05-39-009

#### PROJECT LOCATION INFORMATION:

State:

Texas

County:

Montgomery

Center coordinates of site (latitude/longitude):

30.3489N; 95.4835W

Approximate size of area (parcel) reviewed, including uplands: 33 acres.

Name of nearest waterway: West Fork San Jacinto River

Name of watershed: San Jacinto River

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 27 Jun 2005

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\infty\) there appear to be (or) \(\subseteq\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### **BASIS OF JURISDICTIONAL DETERMINATION:**

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[1] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) FILE NUMBER: SWG-05-39-009 Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. П Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas:
U.S. Geological Survey 7.5 Minute Topographic maps:
U.S. Geological Survey 7.5 Minute Historic quadrangles
U.S. Geological Survey 15 Minute Historic quadrangles
U.S. Geological Survey 15 Minute Historic quadrangles
USDA Natural Resources Conservation Service Soil Sur
National wetlands inventory maps:
State/Local wetland inventory maps:
FEMA/FIRM maps (Map Name & Date): U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

#### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG FILE NUMBER: SWG-05-07-017** 

PRO	JECT:	LOCA	TION	INFORM	MATION:

State:

TX

County:

Harris

Center coordinates of site (latitude/longitude):

Easting: 3004958; Northing: 13887201

Approximate size of area (parcel) reviewed, including uplands: 0.2 acres.

Name of nearest waterway: Buffulo Bayou

Name of watershed: Buffulo

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 6/27/05

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the appear to be no"} \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 5ω6-05-01-017

	Lateral ]	Extent of Jurisdiction: (Reference: 33 CFR parts:	328 and 3	329)	TIED NOWIDER. JO
ļ	Ord Ord	inary High Water Mark indicated by:			n Tide Line indicated by:
	$\boxtimes$	clear, natural line impressed on the bank			oil or scum line along shore objects
	$\sqcup$	the presence of litter and debris		$\sqcap$	fine shell or debris deposits (foreshore)
	Ш	changes in the character of soil		Ħ	physical markings/characteristics
		destruction of terrestrial vegetation		Ħ	tidal gages
		shelving		Ä	other:
		other:		u	outer:
ı	Mea	n High Water Mark indicated by:			
**	s	urvey to available datum;  physical markings; [	☐ vegeta	tion	lines/changes in vegetation types
ı					
-		and boundaries, as shown on the attached wetland	deimean	on m	ap and/or in a delineation report prepared by:
E	asis For	Not Asserting Jurisdiction:			
	Iner	reviewed area consists entirely of uplands.			·
***	Unab	ple to confirm the presence of waters in 33 CFR par	t 328(a)(	1, 2,	or 4-7).
	Head	quarters declined to approve jurisdiction on the bas	sis of 33 (	TP	nort 328 2(a)(2)
	XXXX	Corps has made a case-specific determination that t	the follow	ing '	waters present on the site are not Waters of the
		Waste treatment systems, including treatment po	onds or la	goon	S. DURSHARI to 33 CFR part 328 3
		Authorally irrigated areas, which would revert to	o upland i	if the	rrigation ceased
	Ш	Artificial takes and ponds created by excavating	and/or di	kino	dry land to collect and
		retain water and which are used exclusively for s	such purp	oses	as stock watering, irrigation, settling basins, or
		nee growing.			
	_	Artificial reflecting or swimming pools or other s by excavating and/or diking dry land to retain wa	small orn	amer	ital bodies of water created
		Water-filled depressions created in dry land incident	der for pr	ımar	ny aesthetic reasons. ruction activity and pits excavated in dry land for
		the purpose of obtaining fill, sand, or gravel unlead abandoned and the resulting body of water meets 328.3(a).	ss and un	til th	e construction or execution an analysis !
		Isolated, intrastate wetland with no nexus to inter	state con	ımer	re
		Prior converted cropland, as determined by the N	atural Re	sour	ces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated Other (explain):	i on dry l	and.	Explain rationale:
DATA	REVIEV	WED FOR JURSIDICTIONAL DETERMINAT	CION (		alla a la sa
Z	iviaps,	plans, plots or plat submitted by or on behalf of the	e applicar	ALTIK. 2 It.	ш tпат арріу):
	Data sl	heets prepared/submitted by or on behalf of the app	licant		
	_ ∐ Th	his office concurs with the delineation report, dated	n	rena	red by (company):
***************************************	☐ Th	is office does not concur with the delineation report	rt. dated	. opu	nrenared by (company):
Ш	Data Si	icers prepared by the Corps.	.,		, prepared by (company).
	Corps'	navigable waters' studies:			
	U.S. G	eological Survey Hydrologic Atlas:			
Ø	U.S. G	eological Survey 7.5 Minute Topographic maps:			
	U.S. Ge	eological Survey 7.5 Minute Historic quadrangles:			
	U.S. Ge	eological Survey 15 Minute Historic quadrangles:			
	USDA	Natural Resources Conservation Service Soil Surve	ev.		
	Nationa	al wetlands inventory maps:	٠,٠		
	State/Lo	ocal wetland inventory maps:			
	FEMA/	FIRM maps (Map Name & Date):			
	100-yea	ar Floodplain Elevation is: (NGVD)			
	Aerial F	Photographs (Name & Date):			
	Other pl	hotographs (Date):			
	Advanc	ed Identification Wetland maps:			
	Site visi	it/determination conducted on:			
	Applica	ble/supporting case law:			
	Other in	nformation (please specify):			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

## JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** FILE NUMBER: 23833 PROJECT LOCATION INFORMATION: State: Texas County: Matagorda Center coordinates of site (latitude/longitude): Latitude 28°38'08"; Longitude -96°05;02"W Approximate size of area (parcel) reviewed, including uplands: Name of nearest waterway: Gulf Intracoastal Waterway Central Matagorda Bay Huc: 1200401 Name of watershed: JURISDICTIONAL DETERMINATION Date: 1 July 2005 Completed: Desktop determination Site visit(s) Date(s):

#### Jurisdictional Determination (JD):

	(Reference 55 CFR part 551).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable

# BASIS OF JURISDICTIONAL DETERMINATION:

Jurisdiction.

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate weutanus.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

L	ateral l	Extent of Jurisdiction: (Reference: 33 CFR pa	220 120	FILE NUMBER: 23833
	Ord	inary High Water Mark indicated by:	arts 328 and 32	29)
		clear, natural line impressed on the bank	, <b>(2)</b>	High Tide Line indicated by:
		the presence of litter and debris		oil or scum line along shore objects fine shell or debris deposits (foreshore)
	닏	changes in the character of soil		physical markings/characteristics
	님	destruction of terrestrial vegetation	į	tidal gages
	H	shelving	Ī	other:
	Ш	other:		
Г	Mea	n High Water Mark indicated by:		
	s	urvey to available datum; physical marking	rs. D vegetati	ion lines/shares
<b></b>				
L	Wetl	and boundaries, as shown on the attached wetl	and delineation	n map and/or in a delineation report prepared by:
Ba	sis For	Not Asserting Jurisdiction:		
	Ther	reviewed area consists entirely of uplands.		
		elle to confirm the presence of waters in 33 CFR	part 328(a)(1,	, 2, or 4-7).
	The (	quarters declined to approve jurisdiction on the	basis of 33 C	FR part 328.3(a)(3).
-	Unite	ed States:	hat the following	ing waters present on the site are not Waters of the
		Waste treatment systems, including treatmer Artificially irrigated areas, which would revo	ert to unload if	joons, pursuant to 33 CFR part 328.3.
		Authoral takes and ponds created by excava-	ting and/or dik	cing dry land to called 1
		retain water and which are used exclusively	for such purpo	oses as stock watering, irrigation, settling basins, or
		6 · · · · · · · · · · · · · · · · · · ·		
		Artificial reflecting or swimming pools or ot	her small orna	mental bodies of water created
		by excavating and/or diking dry land to refai	n water for pri	imarily aacthatia massaus
	Ц	"dici-inicu depressions created in dry land	incidental to co	Onetruction activity and the
		328.3(a).	leets the defini	ition of waters of the United States found at 33 CFR
		Isolated, intrastate wetland with no nexus to	interstate com	merce
		Prior converted cropland, as determined by the	ne Natural Res	sources Conservation Service. Explain rationale:
	П			
	H	Non-tidal drainage or irrigation ditches excav Other (explain):	ated on dry lar	nd. Explain rationale:
		оты (ехріані).		
DATAI	DEWIE	WED FOR MINGIPLE		
DAIA I	Mans	WED FOR JURSIDICTIONAL DETERMIN	NATION (ma	rk all that apply):
茵	Data s	plans, plots or plat submitted by or on behalf of heets prepared/submitted by or on behalf of the	of the applicant	t.
	☐ Th	nis office concurs with the delineation report, d	applicant.	romand has ( )
		ns office does not concur with the delineation i	enort dated	prepared by (company):
	Data si	neets prepared by the Corps.	oport, dated	, prepared by (company):
	Corps'	navigable waters' studies:		
	U.S. G	eological Survey Hydrologic Atlas:		
위	U.S. G	eological Survey 7.5 Minute Topographic map	s: Palacios NE	3
H	U.S. G	eological Survey 7.5 Minute Historic quadrang eological Survey 15 Minute Historic quadrang	gles:	
Ħ	USDA	Natural Resources Conservation Service Soil S	les:	
	Nation	al wetlands inventory maps:	survey:	
	State/L	ocal wetland inventory maps:		
	<b>FEMA</b>	FIRM maps (Map Name & Date):		
	100-ye	ar Floodplain Elevation is: (NGVD)		
Я	Aerial I	Photographs (Name & Date):		
B	Other p	photographs (Date):		
H	Auvano Site via	red Identification Wetland maps:		
H	Applies	it/determination conducted on: able/supporting case law:		
i ii	Other in	nformation (please specify):		
		·		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT	OFFICE: SWG
FILE NUM	BER: D-7680/(01)

	ICT OFFICE: SWG IUMBER: D-7680/(01)
Sta Co Ce Ap Na	CCT LOCATION INFORMATION:  ate: Texas  bunty: Liberty  nter coordinates of site (latitude/longitude): 30 05' 17"; 94 54' 59"  approximate size of area (parcel) reviewed, including uplands: acres.  me of nearest waterway: Linney Creek  me of watershed: Trinity River
	DICTIONAL DETERMINATION  mpleted: Desktop determination
Jui	risdictional Determination (JD):
5	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
<b>A.</b>	OF JURISDICTIONAL DETERMINATION:  Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(i) which are or could be used by interstate or to reign travelers for recreational or other purp (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Linney Creek is within the project area, however it will not be affected by the work proposed.

	2
La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  FILE NUMBER: D-7680/(01)  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
3	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
I I I I I I I I I I I I I I I I I I I	Apply:  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Data sheets prepared by (company):  Da

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** SWG **FILE NUMBER:** D-16973

PRO	)JE(	CT LOCAT	rion in	FORMATION:						
	Stat	-	Texas							
			Orange							
				te (latitude/longitud		30.092; 93.098				
				a (parcel) reviewed	, including	g uplands: acres.				
				ay: Sabine River						
	Nan	ne of waters	shed:	Sabine-Neches						
TTIR	ISD	ICTIONAL	I. DETE	RMINATION						
JUI				determination	M	Date: 05 May 2005				
	001	-	Site visit			Date(s):				
		•	SHE VISH	(8)		Date(s).				
	Juri	isdictional	Determi	nation (JD):						
		Preliminar	y JD - Ba	ased on available in	formation	a, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the				
	A					Jnited States" on the project site. A preliminary JD is not appealable				
		(Reference 33 CFR part 331).								
	M				appealable	e action (Reference 33 CFR part 331).				
		Check all	ınat appıy	y:						
		There	<i>are</i> "navi	gable waters of the	United Sta	rates" (as defined by 33 CFR part 329 and associated guidance) within				
				Approximate size of						
		the review	ou urou.	ripproximate size (	n junisaici	itoliai arca.				
		There of	are "wate	ers of the United Sta	ates" (as d	defined by 33 CFR part 328 and associated guidance) within the				
				proximate size of ju						
		-								
		***************************************				ate waters or wetlands" within the reviewed area.				
		l	<b>4</b>		by SWA	NCC/Migratory Bird Rule Information Sheet for Determination of No				
				Jurisdiction.						
BAS	IS C	F JURISD	ICTION	NAL DETERMINA	ATION:					
2110						avigable waters of the United States":				
		The presen	ce of wa	ters that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in				
		the past, or may be susceptible for use to transport interstate or foreign commerce.								
		<b>,</b>		<b>F</b>		<u></u>				
	В.	Waters de	fined un	der 33 CFR part 3	328.3(a) as	s "waters of the United States":				
		(1) The pro	esence of	waters, which are	currently u	used, or were used in the past, or may be susceptible to use in				
						ters which are subject to the ebb and flow of the tide.				
				interstate waters in						
		(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,								
		sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or								
			destruction of which could affect interstate commerce including any such waters (check all that apply):							
		(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.								
		(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.								
	-	(iii) which are or could be used for industrial purposes by industries in interstate commerce.								
				of waters otherwise						
		(5) The presence of a tributary to a water identified in (1) – (4) above.								
	H	<ul> <li>(6) The presence of territorial seas.</li> <li>(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.</li> </ul>								
		(/) The pre	esence of	wetlands adjacent	to other w	waters of the US, except for those wetlands adjacent to other wetlands.				

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16973

L	ateral I	Extent of Jurisdiction: (Reference: 33 CFR parts:	220 4 2	20)	LILE MUMIDEK: D-10	y
	Ordi	none High Wesser Mark 11 11 11 11	328 and 3	29)	)	
		nary High Water Mark indicated by:	Ш	High	gh Tide Line indicated by:	
	닏	clear, natural line impressed on the bank			oil or scum line along shore objects	
	Ш	the presence of litter and debris		П	fine shell or debris deposits (foreshore)	
		changes in the character of soil		Ħ	harmonical manager (1	
		destruction of terrestrial vegetation		H	physical markings/characteristics	
	H	abalaina		$\Box$	tidal gages	
	$\sqcup$	shelving			other:	
		other:				
	Mear	High Water Mark indicated by:				
		response a smilet led - to	_			
	L 30	rvey to available datum; D physical markings;	J vegetat	tion l	lines/changes in vegetation types.	
T.	_				· •	
	* WCII	and boundaries, as shown on the attached wetland	delineatio	on ma	nap and/or in a delineation report prepared by:	
Ba	ısis For	Not Asserting Jurisdiction:				
×	Ther	eviewed area consists entirely of uplands.				
	Unab	le to confirm the presence of waters in 33 CFR par	. 220( )(		4 =	
		waters declined to opposite in 35 CFR par	t 328(a)(	1, 2,	, or 4-7).	
		quarters declined to approve jurisdiction on the bas	is of 33 (	JFR :	R part 328.3(a)(3).	
		Corps has made a case-specific determination that t d States:	he follow	ing v	waters present on the site are not Waters of the	
	П					
		Waste treatment systems, including treatment po	nus or la	goon	ns, pursuant to 33 CFR part 328.3.	
		Artificially irrigated areas, which would revert to	upland i	t the	ne irrigation ceased.	
		Artificial lakes and ponds created by excavating	and/or di	king	g dry land to collect and	
		retain water and which are used exclusively for s	uch purp	oses	s as stock watering, irrigation, settling basins, or	
		nee growing.				
		Artificial reflecting or swimming pools or other s	small orn	amen	ental bodies of water created	
		by excavating and/or diking dry land to retain wa	ter for pr	imar	arily seethetic resons	
		water-filled depressions created in dry land incid	lental to d	const	Struction activity and nite avacuated in June 1 - 1 c	
		the purpose of obtaining fift, saile, of gravel links	รร ลทศ แท	til th	he construction or execution and and the	
		abandoned and the resulting body of water meets	the defin	:::	and construction of excavation operation is	
		abandoned and the resulting body of water meets 328.3(a).	me demi	nuon	on of waters of the United States found at 33 CFR	
	П	Isolated, intrastate wetland with no nexus to inter	-4 - 4			
	Ħ	Prior converted cropland as determined back.	state com	ımero	erce.	
	_	Prior converted cropland, as determined by the N	aturai Re	sour	rces Conservation Service. Explain rationale:	
		Non-tidal drainage or irrigation ditches excavated	on dry la	and.	. Explain rationale:	
		Other (explain):			•	
DATAB	e e e e e e e e e e e e e e e e e e e	AMD FOR WINGS				
DAIAR	Wene .	VED FOR JURSIDICTIONAL DETERMINAT	'ION (ma	ark a	all that apply):	
	iviaps,	plans, plots or plat submitted by or on behalf of the	annlicar	ıt.	•••	
	Data st	leets prepared/submitted by or on behalf of the app	licant			
	∐ In	is office concurs with the delineation report, dated	. n	renai	ared by (company):	
	∐ Th	is office does not concur with the delineation report	t dated	. opui		
	Data sh	eets prepared by the Corps.	i, dated		, prepared by (company):	
	Corps'	navigable waters' studies:				
	U.S. Ge	cological Survey Hydrologic Atlas:				
図	U.S. Ge	cological Survey 7.5 Minute Topographic maps: On	100			
a di	IIS G	cological Survey 7.5 Minute Topographic maps: Of cological Survey 7.5 Minute Historic quadrangles:	range, 199	<del>)</del> 5		
胃	IIS G	pological Survey 1.5 Minute Historic quadrangles:				
	LICDA	cological Survey 15 Minute Historic quadrangles:				
	USDA.	Natural Resources Conservation Service Soil Surve	ey: Digita	al Or	Orange County NRCS	
	rvationa	i wetlands inventory maps:			-	
	State/Lo	ocal wetland inventory maps:				
×	FEMA/	FIRM maps (Map Name & Date): Orange County	FEMA O	3		
	100-yea	r Floodplain Elevation is: (NGVD)				
$\boxtimes$	Aerial P	hotographs (Name & Date): January, 1995				
	Other pl	notographs (Date):				
	Advanc	ed Identification Wetland maps:				
Site visit/determination conducted on:						
	Applical	ble/supporting case law:				
	Other in	formation (please specify):				
<b>.</b>	ouici ili	ionnation (please specify):				

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT	OFFI	CE:	SWG
FILE NUM	BER:	D-1	7034

FILE N	UMBER: D-17034					
Sta Cor Cer App Nar	te: Texas unty: Harris nter coordinates of site (latitude/longitude): 29 46' 42"; 95 37' 07" proximate size of area (parcel) reviewed, including uplands: acres. me of nearest waterway: Greens Bayou me of watershed: Greens Bayou					
JURISI	DICTIONAL DETERMINATION					
Co	mpleted: Desktop determination Site visit(s)  Date: 10 May 2005 Date(s):					
Jur	isdictional Determination (JD):					
<b>3</b>	<u> </u>					
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:					
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination.						
RASIS (	OF JURISDICTIONAL DETERMINATION:					
	Waters defined under 33 CFR part 329 as "navigable waters of the United States":					
B.	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.					

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

(4) Impoundments of waters otherwise defined as waters of the US.(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) FILE NUMBER: D-17034 Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant.

Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Harris County, 1995 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Digital Harris County NRCS National wetlands inventory maps: Digital Harris County State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Digital Harris County FEMA Q3 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): January, 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** SWG FILE NUMBER: D-16855

FILE	UMBER: D	-16855				
Sta Co Ce Ap Na	unty: H	exas larris tes of sit e of area waterw	e (latitude a (parcel) 1	:/longitud reviewed, Gully	e): including	29.50737;95.16205 g uplands: 9 acres.
	DICTIONAL mpleted: D S		determinat		⊠ □	Date: 02 May 2005 Date(s):
Jui	risdictional D	etermii	nation (JI	)):		
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:					
	There are the reviewed	re "navig d area.	gable wate Approxima	ers of the late size of	United Sta f jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
	There are reviewed are	re "water ea. App	rs of the U roximate s	Inited Sta size of jur	tes" (as d	lefined by 33 CFR part 328 and associated guidance) within the all area:
	<b>I</b> There ar	1	ted, non-n Decision s Jurisdictio	supported	intra-stat by SWA1	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
	The presence	i <b>ned un</b> e e of wate	der 33 CF ers that are	R part 3: e subject t	29 as "na to the ebb	vigable waters of the United States":  and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce.
B. ■	(1) The pres interstate or (2) The pres (3) The pres sandflats, we destruction of	ence of foreign ence of ence of etlands, of which	waters, when commerce interstate water water sloughs, page could affer to the could affer the country the could affer the could affer the country the could affer the could affer the country the coun	nich are controlled, includir waters incomers such as rairie pottect interst	urrently using all water bluding into s intrastate holes, wet ate comm	sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. terstate wetlands <sup>1</sup> .  e lakes, rivers, streams (including intermittent streams), mudflats, a meadows, playa lakes, or natural ponds, the use, degradation or the including any such waters (check all that apply):  r foreign travelers for recreational or other purposes.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The data reviewed indicates wetlands within in the 9-acre tract, however there is no known nexus/hydrologial connection to interstate commerce.

FILE NUMBER: D-16855 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Maps, plans, plots or plat submitted by or on behalf of the applicant.

Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps.
Corps' navigable waters' studies: Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Tomball, 1982 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Harris County Digital NRCS map National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris County FEMA Q3 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): January, 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** SWG FILE NUMBER: D-17100

I IIII I	UNIDER. D-1/100						
Sta Cor Cer App Nar	anty: Orange atter coordinates of site proximate size of area ane of nearest waterway	(latitude/longitude): (parcel) reviewed, inclu	30.092; 93.09 ding uplands:	98 acres.			
	ICTIONAL DETER npleted: Desktop de Site visit(s)	etermination 🛛	Date: 05 May Date(s):	2005			
Jur	isdictional Determina	ation (JD):					
•		r "navigable waters of th		ear to be (or)  there appear to be in the project site. A preliminary JI			
×	Approved JD – An ap Check all that apply:	pproved JD is an appeals	able action (Refere	ence 33 CFR part 331).			
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
	<b>■</b> D			etlands" within the reviewed area. y Bird Rule Information Sheet for I	Determination of No		
BASIS ( A. M	Waters defined under The presence of water	L DETERMINATION or 33 CFR part 329 as set that are subject to the asceptible for use to trans	"navigable water ebb and flow of the	s of the United States": e tide and/or are presently used, or foreign commerce.	have been used in		
B	(1) The presence of winterstate or foreign of (2) The presence of in (3) The presence of of sandflats, wetlands, sl destruction of which of (i) which are or of (ii) from which find	ommerce, including all values and the state waters including ther waters such as intra loughs, prairie potholes, could affect interstate co could be used by interstatish or shellfish are or co	ly used, or were us waters which are s g interstate wetlan state lakes, rivers, wet meadows, pla mmerce including te or foreign trave uld be taken and s	sed in the past, or may be susceptible ubject to the ebb and flow of the tidds. streams (including intermittent streams lakes, or natural ponds, the use, any such waters (check all that applers for recreational or other purposold in interstate or foreign commercial	de.  ams), mudflats, degradation or oly): es.		
<b></b>	destruction of which of  (i) which are or of  (ii) from which fi	could affect interstate co could be used by intersta ish or shellfish are or co	mmerce including te or foreign trave uld be taken and s	any such waters (check all that applers for recreational or other purpos	oly): ses.		

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

(4) Impoundments of waters otherwise defined as waters of the US.(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

I	Lateral i	Extent of Jurisdiction: (Reference: 33 CFR parts 3	220 0-12	20)	FILE NUMBER: D-1/1
	Ord	inary High Water Mark indicated by:			
•		clear, natural line impressed on the bank		High	h Tide Line indicated by:
	片	the management of the impressed on the bank		Ш	oil or scum line along shore objects
	님	the presence of litter and debris			fine shell or debris deposits (foreshore)
	닏	changes in the character of soil		$\Box$	physical markings/characteristics
	Ш	destruction of terrestrial vegetation		Ħ	tidal gages
		shelving		H	
	$\Box$	other:		ш	other:
Г	Mea	n Llick Wasse No. 1			
		n High Water Mark indicated by: urvey to available datum; ☐ physical markings; ☐	7 vegetat	ion I	lines/shones is an activity
		and boundaries, as shown on the attached wetland of	delineatio	n m	nap and/or in a delineation report prepared by:
В	asis For	· Not Asserting Jurisdiction:			
	Ther	eviewed area consists entirely of uplands.			
I.	Unab	ole to confirm the presence of waters in 33 CFR part	328(2)(1	2	or 4.7)
	g iicau	qualities decilled to approve illrisdiction on the back	ic of 22 C	TD.	
	The (	Corps has made a case-specific determination that the	18 OI 33 (	rk	part 328.3(a)(3).
***************************************	 Unite	Corps has made a case-specific determination that the States:	ie ioilow	ing v	waters present on the site are not Waters of the
	_	Waste treatment systems, including treatment por	nds or lag	goon	is, pursuant to 33 CFR part 328.3.
		The strain in the strain of th	liniand i	t tha	imiontina 1
	u	Thursday lakes and points created by excavating a	and/or dil	rina	dry land to collect and
		return water and which are used exclusively for st	ach purpo	oses	as stock watering, irrigation, settling basins or
		0 11 0 11 0 11			
		Artificial reflecting or swimming pools or other s	mall orna	men	ntal bodies of water created
		by chearaing and/or diking dry land to retain was	ter tor ne	mor	rilyr o ogéh séis an a
		water-fined depressions created in dry land incide	ental to c	onet	truction activity and him
		abandoned and the resulting body of water meets 328.3(a).	the defin	ition	of waters of the United States found at 33 CFR
	Ï	Isolated, intrastate wetland with no nexus to inters Prior converted cropland, as determined by the Na	state com	merc	ces Conservation Service Fundament
		Non-tidal drainage or irrigation ditches excavated Other (explain):	on dry la	ind.	Explain rationale:
DAIAI	KEVIEV	WED FOR JURSIDICTIONAL DETERMINAT	ION (ma	rk a	all that apply):
E	Triups,	pians, pious or plat sublilitied by or on hehalf of the	annlican	t.	
	Data sr	neets prepared/submitted by or on behalf of the appl	icant.		
	תו וייַ	is office concurs with the delineation report dated	n	enar	red by (company):
********	∐ In	is office does not concur with the delineation report	, pı dəted	срац	
	Data Sn	leets prepared by the Corps.	i, dated		, prepared by (company):
	Corps'	navigable waters' studies:			
	U.S. Ge	eological Survey Hydrologic Atlas:			
図	U.S. Ge	eological Survey 7.5 Minute Topographic maps: Or	100	_	
	U.S. Ge	cological Survey 7.5 Minute Historic quadrangles:	ange, 199	5	
局	U.S. Ge	cological Survey 15 Minute Historic quadrangles:			
図	LISDA 1	Natural Pageurage Communications quadrangles:			
	Notiona	Natural Resources Conservation Service Soil Surve	y: Digita	l Ora	ange County NRCS
	1 tationa	ii wettands inventory maps:			•
	State/LC	ocal wetland inventory maps:			
	rema/	FIRM maps (Map Name & Date): Orange County F	FEMA Q	3	
몆	roo-yea	ir rioodpiain Elevation is: (NGVD)	•		
X	Aerial P	hotographs (Name & Date): January, 1995			
	Other pl	hotographs (Date):			
	Advance	ed Identification Wetland mans			
	Site visi	t/determination conducted on:			
	Applical	ble/supporting case law:			
	Other in	formation (please specify):			
		· · · · · · · · · · · · · · · · · · ·			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** SWG **FILE NUMBER:** D-17120

	CT LOCATION INFORM	MATION:	
Stat			
	unty: Harris hter coordinates of site (latit	hida/langituda).	20 46! 42". 05 27! 07!!
	proximate size of area (parc		29 46' 42"; 95 37' 07" ng uplands: acres.
	ne of nearest waterway: Gre		ig uplands. acres.
		is Bayou	
		•	
	ICTIONAL DETERMIN		
Coi	mpleted: Desktop determ	ination 🔀	Date: 09 May 2005
	Site visit(s)		Date(s):
Jur	isdictional Determination	(JD):	
	Preliminary ID - Based or	available informatio	n, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the
	United States" and/or "nated Reference 33 CFR part 3.	vigable waters of the	United States" on the project site. A preliminary JD is not appealable
Ø	Approved JD – An approv Check all that apply:	ved JD is an appealab	le action (Reference 33 CFR part 331).
	There are "navigable with the reviewed area. Approximation of the reviewed area.		states" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
	There are "waters of the reviewed area. Approximately area."		defined by 33 CFR part 328 and associated guidance) within the nal area:
		ion supported by SW	ate waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS (	OF JURISDICTIONAL D	ETERMINATION:	
			avigable waters of the United States":
	The presence of waters that	at are subject to the eb	bb and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
В.	Waters defined under 33	CFR part 328.3(a)	as "waters of the United States":
			used, or were used in the past, or may be susceptible to use in
			sters which are subject to the ebb and flow of the tide.
	(2) The presence of interst		
			ate lakes, rivers, streams (including intermittent streams), mudflats,
			et meadows, playa lakes, or natural ponds, the use, degradation or
			merce including any such waters (check all that apply):
	(i) which are of could	r shellfish are or coul	or foreign travelers for recreational or other purposes.  d be taken and sold in interstate or foreign commerce.
			al purposes by industries in interstate commerce.
	(4) Impoundments of water		
	(5) The presence of a tribu		
	(6) The presence of territor	rial seas.	
	(7) The presence of wetlan	ids adjacent <sup>2</sup> to other	waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: D-17120

L	ateral ]	Extent of Jurisdiction: (Reference: 33 CFR parts 32	0		FILE NUMBER: D-171
	Ord	unary High Water Mark indicated by:  clear, natural line impressed on the bank			n Tide Line indicated by: oil or scum line along shore objects
	님	the presence of litter and debris			fine shell or debris deposits (foreshore)
	ä	changes in the character of soil destruction of terrestrial vegetation		$\mathbb{H}$	physical markings/characteristics tidal gages
		shelving		H	other:
	Ц	other:			
	Mean □ s	n High Water Mark indicated by: survey to available datum;	vegeta	tion	lines/changes in vegetation types.
R	Wetl	land boundaries, as shown on the attached wetland de	lineati	on m	ap and/or in a delineation report prepared by:
Ba X	The r Unab Head The (	reviewed area consists entirely of uplands.  ple to confirm the presence of waters in 33 CFR part 3 cluarters declined to approve jurisdiction on the basis corps has made a case-specific determination that the ed States:  Waste treatment systems, including treatment pond Artificially irrigated areas, which would revert to use Artificial lakes and ponds created by excavating an retain water and which are used exclusively for succince growing.  Artificial reflecting or swimming pools or other sm by excavating and/or diking dry land to retain water Water-filled depressions created in dry land incider the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets the 328.3(a).  Isolated, intrastate wetland with no nexus to interstate Prior converted cropland, as determined by the Nature of the purpose of obtaining fill, and the resulting body of the Nature Prior converted cropland, as determined by the Nature of the converted cropland, as determined by the Nature of the converted cropland, as determined by the Nature of the converted cropland, as determined by the Nature of the converted cropland, as determined by the Nature of the converted cropland, as determined by the Nature of the converted cropland, as determined by the Nature of the converted cropland, as determined by the Nature of the converted cropland and the resulting body of the Nature of the converted cropland, as determined by the Nature of the converted cropland, as determined by the Nature of the converted cropland and the resulting the converted cropland as determined by the Nature of the converted cropland as determined by the Nature of the converted cropland as determined by the Nature of the converted cropland as determined by the Nature of the converted cropland as determined by the Nature of the converted cropland and the cropland as determined by the Nature of the converted cropland and the cropland and	of 33 (follows sor la pland in pland in h purp all orn in for protal to conduct the correction of the	goon of the king oses amerimar constitution	part 328.3(a)(3). waters present on the site are not Waters of the s, pursuant to 33 CFR part 328.3. irrigation ceased. dry land to collect and as stock watering, irrigation, settling basins, or ital bodies of water created illy aesthetic reasons. ruction activity and pits excavated in dry land for e construction or excavation operation is of waters of the United States found at 33 CFR
		Non-tidal drainage or irrigation ditches excavated o Other (explain):			
ā	Data sh	WED FOR JURSIDICTIONAL DETERMINATION plans, plots or plat submitted by or on behalf of the application of the application of the concurs with the delineation report, dated a price does not concur with the delineation report, heets prepared by the Corps.	pplicar ant.	ıt.	red by (company): , prepared by (company):
100	Corps'	navigable waters' studies:			
	U.S. G	eological Survey Hydrologic Atlas: eological Survey 7.5 Minute Topographic maps: Harr	ia Cau	1	005
	U.S. G	eological Survey 7.5 Minute Historic quadrangles.	is Cou	nty, I	995
	U.S. Ge USDA	eological Survey 15 Minute Historic quadrangles:	D: ::		
	MALIUMA	Natural Resources Conservation Service Soil Surveyal wetlands inventory maps: Digital Harris County	Digita	ıl Ha	rris County NRCS
	State/Lo	ocal wetland inventory maps:			
	100-yea	FIRM maps (Map Name & Date): Digital Harris Cou ar Floodplain Elevation is: (NGVD)	nty FE	MA	Q3
	Aerial F	Photographs (Name & Date): January, 1995			
	Juner pi Advanc	hotographs (Date): ed Identification Wetland maps:			
2	Site visi	it/determination conducted on:			
	Applica	ble/supporting case law:			
	Juiet in	nformation (please specify):			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: SWG** 

FIL	E N	UMBER:	D-16935				
PRO	Stat Cou Cen App Nan	CT LOCA te: anty: nter coordin proximate s me of neare me of water	Texas Harris nates of si size of are est waterv	te (latitud a (parcel)	e/longitude reviewed, is Bayou		29 46' 42"; 95 37' 07" g uplands: acres.
JUF		DICTIONA mpleted:		determina		X III	Date: 19 April 2005 Date(s):
	Jur	isdictional	Determi	nation (J	D):		
			ates" and	or "navig	able waters		there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	X	Approved Check all			JD is an a	ppealable	e action (Reference 33 CFR part 331).
							ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
		There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
		There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of N Jurisdiction.					
BAS	SIS C	)F JURISI	DICTION	IAL DET	ERMINA	TION:	
		The presen	nce of wa	ters that a	re subject t	to the ebb	avigable waters of the United States":  o and flow of the tide and/or are presently used, or have been used in an interstate or foreign commerce.
		(1) The printerstate	esence of or foreign	waters, w	hich are cue, including	urrently us ig all wate	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide.
		(3) The pr	esence of	other wat	ers such as	intrastate	nterstate wetlands <sup>1</sup> . The lakes, rivers, streams (including intermittent streams), mudflats,

sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.
(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

La	iteral	Extent of Jurisdiction: (Reference: 33 CFR parts 32	0 - 10	FILE NUMBER: D-16935
	Ord	linary High Water Mark indicated by:	8 and 3	329)
3-000		clear, natural line impressed on the bank		High Tide Line indicated by:
	Ħ	the presence of live and 1.1.1		oil or scum line along shore objects
	H	the presence of litter and debris		fine shell or debris deposits (foreshore)
	H	changes in the character of soil		physical markings/characteristics
	님	destruction of terrestrial vegetation		tidal gages
	Ш	shelving		other:
		other:		U ouler.
	M	. W. 1 W		
		n High Water Mark indicated by:		
	∟∫s	survey to available datum; physical markings;	vegetat	tion lines/changes in vegetation times
	wet	and boundaries, as shown on the attached wetland de	lineatio	on map and/or in a delineation report prepared by:
Ras	sis For	Not Asserting Jurisdiction:		
M	The	reviewed area consists entirely of uplands.		
X ■	Unah	ble to confirm the processes of uplands.		
	Uand	ole to confirm the presence of waters in 33 CFR part 3	28(a)(1	1, 2, or 4-7).
	iicau	qualitis accillica to approve illrightetion on the basis	~£22 C	CED
	I Inc.	Corps has made a case-specific determination that the	follow	ring waters present on the site are not Waters of the
	님	Waste treatment systems, including treatment pond	ls or lag	goons, pursuant to 33 CFR part 328 3
	Ш	All Initial lakes all Dongs created by excavating an	d/or dil	leimon dans la sala a da a da a da a da a da a da
		which are used exclusively for suc	h purpo	oses as stock watering, irrigation, settling basins, or
	_			
		Artificial reflecting or swimming pools or other sm	all orna	amental hodies of water areated
	_			
		" were miles depicasions createst in any land incide	ital ta a	nomenture di la constanti di co
		abandoned and the resulting body of water meets th	e defini	ition of waters of the United States found at 33 CFR
		328.3(a).	c deliiii	thon of waters of the United States found at 33 CFR
	8	Isolated, intrastate wetland with no nexus to intersta	ta com	amara.
		Prior converted cropland, as determined by the Natu	ıral Res	Sources Conservation Service E. 1
	_			
	H	Non-tidal drainage or irrigation ditches excavated of	n dry la	and. Explain rationale:
		Other (explain):		•
DATA RI	EVIEV	WED FOR JURSIDICTIONAL DETERMINATION	ON (ma	ark all that anniv).
-	·p-0,	Pians, pious of plat sublificulty of on hehalf of the a	nnlicant	it
1 I	Jala Si	ieets prepared/submitted by or on behalf of the applic	ant	
Ĺ		IIS OILICE CONCURS With the delineation report dated		repared by (company):
[	☐ Th	is office does not concur with the delineation report, dated	, pr dated	repared by (company):
<u> </u>	Data sh	neets prepared by the Corps.	uaicu	, prepared by (company):
	Corps'	navigable waters' studies:		
J 🕍 I	J.S. Ge	eological Survey Hydrologic Atlas:		
X 🛛	J.S. Ge	eological Survey 7.5 Minute Topographic maps: Harr	:- 0	1000
■ U	J.S. Ge	eological Survey 7.5 Minute Historic quadrangles:	is Coun	aty,1995
■ U	J.S. Ge	cological Survey 15 Minute Historic quadrangles:		
⊠ u	ISDA	Natural Resources Conservation Service Service	<b>.</b>	
⊠ N	lationa	Natural Resources Conservation Service Soil Survey: all wetlands inventory maps: Digital Harris County	Digital	d Harris County NRCS
	tate/I	ocal wetland inventory maps:		
₩ F	EMA/	FIRM mane (Man Name & Detail Details and a		-
1/	00-ve	FIRM maps (Map Name & Date): Digital Harris Cou r Floodplain Elevation is: (NGVD)	nty FEN	MA Q3
	erial D	Triodplain Elevation is: (NGVD)		
W U U W N S F A A	vi iai F tha1	Photographs (Name & Date): January, 1995		
	dvonc	hotographs (Date):		
	uvance	ed Identification Wetland maps:		
	ue VISI	t/determination conducted on:		
	ppiical	ble/supporting case law:		
2000E ( M	iner in	formation (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: SWG** FILE NUMBER: D-16917

OD	n	IF	CT	T	$\Omega$	A TT	ON	INFO	DMA	TION:
- 17		JE	L.	1,	<b>.</b>	A 1 1	T III	HYPU	IK IVI A	I II II II II I

State:

Texas

County:

Harris County

Center coordinates of site (latitude/longitude):

29.69341; 95.38784

Approximate size of area (parcel) reviewed, including uplands: 20 acres.

Name of nearest waterway: Brays Bayou Name of watershed: Brays Bayou

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 05 May 2005

Site visit(s)

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \square there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit the limit the limit there appear to be no "waters of the limit th
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Date(s):

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Marchere are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .08-acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
 interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

La	ch	tent of Jurisdiction: (Firy High Water Mark in ear, natural line impresse presence of litter and nanges in the character estruction of terrestrial elving ther:	sed on the bank debris of soil	328 and 3:	High Tide Lir ☐ oil or sc ☐ fine shel	FILE NUMBER: D-16917 ne indicated by: um line along shore objects Il or debris deposits (foreshore) markings/characteristics tes
	∐ surv	igh Water Mark indicatey to available datum;	physical markings;	] vegetati	on lines/chan	ges in vegetation types.
	Wetland	boundaries, as shown	on the attached wetland	delineation	n map and/or	in a delineation report prepared by:
	The revie Unable to Headquar The Corp United S A A re rick A A B By the ab S 2 Isc Pri	sos has made a case-spectates: Vaste treatment systems rtificially irrigated area rtificial lakes and pond rtain water and which a ce growing. rtificial reflecting or sw vexcavating and/or dik vater-filled depressions e purpose of obtaining andoned and the result 18.3(a). blated, intrastate wetlan ior converted cropland,	rely of uplands. of waters in 33 CFR party in James in 33 CFR party in jurisdiction on the base cific determination that the state of t	nds or lago o upland if and/or dik- uch purpos small ornar ter for prir ental to co ss and until the definit	FR part 328.3 ag waters pre sons, pursuant the irrigation ing dry land to see as stock with the see as stock with the irrigation action of waters the construction of waters the conservation of waters the conser	it to 33 CFR part 328.3. I ceased. I co collect and vatering, irrigation, settling basins, or sof water created tic reasons. It it it is a cased. I co to the control of the United States found at 33 CFR revation Service. Explain rationale:
D.C.C.C.C.C.C.C.C.C.C.C.C.C.C.C.C.C.C.C	pata sheets This of Th	s prepared/submitted by ffice concurs with the diffice does not concur we prepared by the Corps igable waters' studies: gical Survey Hydrological Survey 7.5 Minute igical Survey 15 Minute igical Survey 15 Minute iral Resources Conserved and inventory maps: wetland inventory maps	ic Atlas: e Topographic maps: Bei e Historic quadrangles: Historic quadrangles: ation Service Soil Surve; Bellaire Quad, 1999 ss: Date): Harris County FE (NGVD) b: January, 1995	applicant. iicant. 23 July 200 t, dated  llaire Quac	)4, prepared in pr	by (company): I by (company):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	JMBER: D-14259/(04)	
Sta Co Ce Ap Na	ct LOCATION INFORMATION: e: Texas nty: Harris er coordinates of site (latitude/longitude): 29.81097; 95.16217 roximate size of area (parcel) reviewed, including uplands: acres. ne of nearest waterway: Carpenter's Bayou ne of watershed: Greens Bayou	
	ICTIONAL DETERMINATION  Appleted: Desktop determination	
Ju	sdictional Determination (JD):	
	Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealab (Reference 33 CFR part 331).	e le
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:	
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) with the reviewed area. Approximate size of jurisdictional area:	hin
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:	
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of Jurisdiction.	No
BASIS	F JURISDICTIONAL DETERMINATION:	
	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used it the past, or may be susceptible for use to transport interstate or foreign commerce.	n
B	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands <sup>1</sup> .  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or	

destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

2 FILE NUMBER: D-14259/(04) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas:
U.S. Geological Survey 7.5 Minute Topographic maps: Harris County,1995
U.S. Geological Survey 7.5 Minute Historic quadrangles:
U.S. Geological Survey 15 Minute Historic quadrangles:
U.S. Geological Survey 15 Minute Historic quadrangles:
USDA Natural Resources Conservation Service Soil Survey: Digital Harris County NRCS
National wetlands inventory maps: Digital Harris County
State/Local wetland inventory maps:
FEMA/FIRM maps (Map Name & Date): Digital Harris County FEMA Q3
100-year Floodplain Elevation is: (NGVD)
Aerial Photographs (Name & Date): January, 1995
Other photographs (Date):
Advanced Identification Wetland maps:

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify): Harris County LIDAR

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** SWG **FILE NUMBER:** D-17040

PROJE	CT LOCATIO	N INFORMATION:		
Sta	ite: Tex	as		
Co	unty: Harr	ris		
Ce	nter coordinates	of site (latitude/longitud	e):	29.50737:95.16205
Ap	proximate size o	of area (parcel) reviewed	including	guplands: 27.1 acres.
		aterway: Clear Creek		
	me of watershed			
JURISI	DICTIONAL D	ETERMINATION		
Co	mpleted: Desi	ktop determination	X	Date: 15 April 2005
	-	visit(s)		Date(s):
	Site	V1011(5)	<u> </u>	Duto(o).
Ju	risdictional Det	ermination (JD):		
	Preliminary II	) - Rased on available in	formation	, there appear to be (or) there appear to be no "waters of the
1				nited States" on the project site. A preliminary JD is not appealable
		CFR part 331).	s of the O	inica states on the project site. A premiumary 10 is not appearable
	(Reference 33	Cric part 331).		
×	Approved ID.	_ An approved ID is an a	nnealahle	action (Reference 33 CFR part 331).
12.34	Check all that		ppearaore	action (reference 33 of R part 331).
	Chicon an that	uppij.		
	There are	"navigable waters of the	United Sta	ates" (as defined by 33 CFR part 329 and associated guidance) within
		rea. Approximate size o		
			- <b>,</b>	
	■ There are '	"waters of the United Sta	tes" (as d	efined by 33 CFR part 328 and associated guidance) within the
•		Approximate size of ju		
		••		
	🔀 There are	"isolated, non-navigable	, intra-stat	te waters or wetlands" within the reviewed area.
	×	Decision supported	by SWA1	NCC/Migratory Bird Rule Information Sheet for Determination of No
		Jurisdiction.	-	
		FIONAL DETERMINA		
<u>A.</u>	Waters define	ed under 33 CFR part 3	29 as "na	vigable waters of the United States":
	The presence of	of waters that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in
	the past, or ma	y be susceptible for use	to transpor	rt interstate or foreign commerce.
_				
В.				"waters of the United States":
				sed, or were used in the past, or may be susceptible to use in
7				ers which are subject to the ebb and flow of the tide.
		ce of interstate waters in		
				e lakes, rivers, streams (including intermittent streams), mudflats,
				t meadows, playa lakes, or natural ponds, the use, degradation or
				nerce including any such waters (check all that apply):
				r foreign travelers for recreational or other purposes.
				be taken and sold in interstate or foreign commerce.
				purposes by industries in interstate commerce.
		ents of waters otherwise		
		ce of a tributary to a wat	er identifie	ed in $(1) - (4)$ above.
		ce of territorial seas.	4 41	A TIO
	(/) The presen	ce of wetlands adjacent	to otner w	aters of the US, except for those wetlands adjacent to other wetlands.

1	Lateral	Extent of Jurisdiction: (Reference: 33 CFR parts 328	1 20	301	FILE NUMBER: D-17040
	Or	ulliary riigh water Mark indicated by:			
		clear, natural line impressed on the bank		nig M	th Tide Line indicated by:
		the presence of litter and debris		片	and the arong shore objects
	$\vdash$	changes in the character of soil		Ħ	fine shell or debris deposits (foreshore) physical markings/characteristics
	님	destruction of terrestrial vegetation	i	Ħ	tidal gages
	님	shelving	į	Ī	other:
	Ц	other:	-		
ū	l Mea	an High Water Mark indicated by:			
****		survey to available datum: $\square$ physical models $\square$			
		survey to available datum;  physical markings;  ve			
	We	tland boundaries, as shown on the attached wetland delin	eatior	n m	nap and/or in a delineation report proposed by
					repared by.
B	asis Fo	r Not Asserting Jurisdiction:			
	The	reviewed area consists entirely of uplands.			
	j ∪na	ble to confirm the presence of waters in 33 CED now 220	(a)(1,	2,	or 4-7).
	2	aquations decilled to approve illrighterion on the basis of	וים כני	CD.	1 200 2 ( ) (2)
<b>K</b>		Corps has made a case-specific determination that the fored States:	llowi	ng	waters present on the site are not Waters of the
	П				
		Waste treatment systems, including treatment ponds of Artificially irrigated areas, which would revert to uple Artificial lakes and ponds greated by	or lago	oor	is, pursuant to 33 CFR part 328.3.
		The antique independent of the contraction of the c	1:1-:	:	. 1 1 1
*		retain water and which are used exclusively for such price growing.	JI UIKI	ing	dry land to collect and
	_				
		Artificial reflecting or swimming pools or other small	ornar	nei	ntal bodies of water created
	Ч	" were announced depressions createn in the land incidental	+		A
		the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water mosts the	d until	l th	ne construction or excavation operation is
		abandoned and the resulting body of water meets the d 328.3(a).	lefinit	ior	n of waters of the United States found at 33 CFR
	$\boxtimes$	Isolated, intrastate wetland with no nexus to interstate			
		Prior converted cropland, as determined by the Natura	tomm 1 Resc	ner	Ces Conservation Service E . 1 :
	H	Non-tidal drainage or irrigation ditches excavated on d Other (explain):	lry lan	ıd.	Explain rationale:
	_	outer (explain).			
DATAE	) IP S ZE PO	WID FOR THE			
DAIA	Mone.	WED FOR JURSIDICTIONAL DETERMINATION	(mar	k a	all that apply):
<u>⊠</u>	Titupo,	pians, pious of plat sublifited by or on behalf of the appl	inant		11.07
1001	Пт	heets prepared/submitted by or on behalf of the applican his office concurs with the delineation report, dated			
	Πn	his office does not concur with the delineation report, dated	, pre	pa	red by (company):
	Data S	neets prepared by the Corns	ed		, prepared by (company):
	Corps'	navigable waters' studies:			•
	U.S. G	eological Survey Hydrologic Atlas:			
M	U.S. G	eological Survey 7.5 Minute Topographic mans: Friends	wood	. 1	982
	U.S. U	cological Survey /.3 Minute Historic quadrangles.		, -	
	U.S. G	cological Survey 15 Minute Historic quadrangles.			
嚴	Nation:	Natural Resources Conservation Service Soil Survey: H.	arris (	Cou	unty Digital NRCS map
菌		al wetlands inventory maps: Harris County Digital NWI ocal wetland inventory maps:			•
	FEMA	/FIRM maps (Map Name & Date): Harris County FEMA	03		
	roo-yea	ar Floodplain Elevation is: (NGVD)	cy.		
X .	Aerial I	Photographs (Name & Date): January, 1995			
	Other p	hotographs (Date):			
	Advanc	ed Identification Wetland maps:			
	one vis	it/determination conducted on:			
	nppiica	able/supporting case law:			
KZN (	Juiet II	nformation (please specify): Site Investigation under file	numb	er :	I-4773

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** SWG **FILE NUMBER:** D-16851

PROJE	JECT LOCATION INFORMATION:	
Sta	State: Texas	
Co	County: Harris	
Cei	Center coordinates of site (latitude/longitude): 29 46' 42"; 95 37' 07"	
	Approximate size of area (parcel) reviewed, including uplands: acres.	
	Name of nearest waterway: Greens Bayou	
	Name of watershed: Greens Bayou	
	•	
JURISI	SDICTIONAL DETERMINATION	
Co	Completed: Desktop determination 🛛 Date: 19 April 2005	
	Completed: Desktop determination Date: 19 April 2005 Site visit(s) Date(s):	
	Date(3).	
Jur	urisdictional Determination (JD):	
	Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be n	a "waters of the
*******	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is	is not appealable
	(Reference 33 CFR part 331).	s not appearance
	(Constitution of Constitution),	
$\boxtimes$	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331).	
******	Check all that apply:	
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated	guidance) within
	the reviewed area. Approximate size of jurisdictional area:	8
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance	) within the
	reviewed area. Approximate size of jurisdictional area:	,
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.	
	Decision supported by SWANCC/Migratory Bird Rule Information Sheet for De	termination of No
	Jurisdiction.	
BASIS (	S OF JURISDICTIONAL DETERMINATION:	
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":	
	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or ha	ive been used in
	the past, or may be susceptible for use to transport interstate or foreign commerce.	
В.	. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":	
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible	to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.	,
	(2) The presence of interstate waters including interstate wetlands .	
		ns), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, de	gradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply	<i>ı</i> ):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes	
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.	
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.	
	(4) Impoundments of waters otherwise defined as waters of the US.	
	(5) The presence of a tributary to a water identified in (1) – (4) above.	
	(6) The presence of territorial seas.	
		o other wetlands.

FILE NUMBER: D-16851

La	steral Extent of Jurisdiction: (Reference: 33 CFR parts 328 a	FILE NUMBER: D-1685
		High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics
	shelving other:	tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ ve	getation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delin	eation map and/or in a delineation report prepared by:
	Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water for Water-filled depressions created in dry land incidental the purpose of obtaining fill, sand, or gravel unless and	33 CFR part 328.3(a)(3). Illowing waters present on the site are not Waters of the or lagoons, pursuant to 33 CFR part 328.3. and if the irrigation ceased. Or diking dry land to collect and purposes as stock watering, irrigation, settling basins, or ornamental bodies of water created or primarily aesthetic reasons. To construction activity and pits excavated in dry land for d until the construction or excavation operation is lefinition of waters of the United States found at 33 CFR
į	Non-tidal drainage or irrigation ditches excavated on d Other (explain):	
	EVIEWED FOR JURSIDICTIONAL DETERMINATION Maps, plans, plots or plat submitted by or on behalf of the applican Data sheets prepared/submitted by or on behalf of the applican This office concurs with the delineation report, dated This office does not concur with the delineation report, date Data sheets prepared by the Corps. Corps' navigable waters' studies:	t.
U U U U U U U U U U U U U U U U U U U	J.S. Geological Survey Hydrologic Atlas: J.S. Geological Survey 7.5 Minute Topographic maps: Harris J.S. Geological Survey 7.5 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Antural Resources Conservation Service Soil Survey: Distance Wetlands inventory maps: J. Digital Harris County (Map Name & Date): Digital Harris County (Map Name & Date): Digital Harris County (No-year Floodplain Elevation is: (NGVD) J. Lerial Photographs (Name & Date): January, 1995 J. Cher photographs (Date): J. Digital Harris County (NGVD) J. Lerial Photographs (Name & Date): January, 1995 J. Diden Photographs (Date): J. Digital Harris County (NGVD)  J. Lerial Photographs (Name & Date): January, 1995  J. Lerial Photographs (Date): J. Lerial Photo	igital Harris County NRCS

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** SWG FILE NUMBER: D-16813

Si C	ate: Texas punty: Harris enter coordinates of site (latitude/longin		29 46' 42"; 95 37' 07"			
A N	pproximate size of area (parcel) review ame of nearest waterway: San Jancito I ame of watershed: San Jacinto Riv	ed, includir River				
	DICTIONAL DETERMINATION  ompleted: Desktop determination  Site visit(s)	⊠ ⊡	Date: 19 April 2005 Date(s):			
Jı	risdictional Determination (JD):					
	Preliminary JD - Based on available United States" and/or "navigable wa (Reference 33 CFR part 331).	information enters of the	n, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable			
Z	Approved JD – An approved JD is a Check all that apply:	n appealabl	le action (Reference 33 CFR part 331).			
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	There are "waters of the United reviewed area. Approximate size of		defined by 33 CFR part 328 and associated guidance) within the nal area:			
			ate waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No			
BASIS A.	OF JURISDICTIONAL DETERMI Waters defined under 33 CFR par The presence of waters that are subject the past, or may be susceptible for u	t 329 as "nect to the eb	navigable waters of the United States":  ab and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.			
В.	(1) The presence of waters, which are	e currently	used, or were used in the past, or may be susceptible to use in uters which are subject to the ebb and flow of the tide.			
	sandflats, wetlands, sloughs, prairie destruction of which could affect int	h as intrasta potholes, w erstate com	nterstate wetlands <sup>1</sup> .  ate lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply):  or foreign travelers for recreational or other purposes.			
	(ii) from which fish or shellfish	are or could	d be taken and sold in interstate or foreign commerce. al purposes by industries in interstate commerce.			

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

(4) Impoundments of waters otherwise defined as waters of the US.(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

	Late	eral Extent of Jurisdiction: (Reference: 33 CFR parts 3:	10 1 200	FILE NUMBER: D-16813
		Ordinary High Water Mark indicated by:		
		clear, natural line impressed on the bank	Hi Hi	gh Tide Line indicated by:
		the presence of litter and debris	<u>L</u>	oil or scum line along shore objects
	į	changes in the character of soil	L	fine shell or debris deposits (foreshore)
	i	destruction of townstrial		l physical markings/characteristics
	i	destruction of terrestrial vegetation shelving		tidal gages
	ľ	other:		other:
	L	L) other:		
		Mean High Woter Mark in 1		
		Mean High Water Mark indicated by:		
	L	survey to available datum; physical markings;	vegetation	lines/changes in vegetation types.
i		Wetland boundaries, as shown on the attached wetland de	elineation i	map and/or in a delineation report prepared by:
]	Basis	For Not Asserting Jurisdiction:		
	X T	The reviewed area consists entirely of uplands.		
l	Ū	Inable to confirm the presence of contained in 22 cmp		
	U H	June of the presence of waters in 33 CFR part	328(a)(1, 2	, or 4-7).
	T	Headquarters declined to approve jurisdiction on the basis	of 33 CFI	R part 328.3(a)(3).
	0000000	The Corps has made a case-specific determination that the Juited States:	e following	waters present on the site are not Waters of the
	_			
	Ē	- " " " " " " " " " " " " " " " " " " "	ds or lagoo	ns, pursuant to 33 CFR part 328.3.
			inional it th	o immi madi mana a a a a a a a a a a a a a a a a a
,	ᆫ	- Pullicial lakes ally policis created by excavating a	ad/or dilein	ordanilande. 11
		rotalli water and which are used exclusively for su	ch purpose	s as stock watering, irrigation, settling basins, or
	_			
			nall orname	ental bodies of water created
	_	of orociating and/or diking the land in regain water	or tar nrise	miles = = +1 1 '
		a water inited depicts folls created in ary land incide	ntal to con	rimantian auticia III.
		medical and the resulting body of water meets the	ne definition	on of waters of the United States found at 22 CED
	_			
	느	Isolated, intrastate wetland with no nexus to interst	ate comme	rce.
		Prior converted cropland, as determined by the Nat	ural Resou	rces Conservation Service Explain retionals.
		_		
•	ㅐ	Non-tidal drainage or irrigation ditches excavated of	n dry land	Explain rationale:
	니	Other (explain):		•
<b>DATA</b>	DEV	TEWED FOR HIDSIDICITION .		
	Ma	/IEWED FOR JURSIDICTIONAL DETERMINATIONS plans plans plats or plat submitted by	ON (mark	all that apply):
	* *	"Po, piano, piono di pian sublillited by or on hehalf of the s	nnlicant	•••
		ta sheets prepared/submitted by or on behalf of the appli	cant.	
	님	This office concurs with the delineation report, dated	, prepa	ared by (company):
		This office does not concur with the delineation report,	dated	, prepared by (company):
	Dau	ia sneets prepared by the Corps.		/ I I y (company).
	Cor	rps' navigable waters' studies:		
	U.S	S. Geological Survey Hydrologic Atlas:		
X	U.S	S. Geological Survey 7.5 Minute Topographic maps: Har	ris County	1995
	U.S	o. Geological Survey /.5 Minute Historic quadrangles.	· · · · · · · · · · · · · · · · · · ·	
	U.S	5. Geological Survey 15 Minute Historic quadrangles:		
×	USI	DA Natural Resources Conservation Service Soil Survey	: Digital H	arris County NDCS
×	Nati	nonal wellands invellibly maps: Digital Harris County	. 2.6 11	aris County NACS
	Stat	te/Local wetland inventory maps:		
×	FEN	MA/FIRM maps (Map Name & Date): Digital Harris Co.	inty FEM	.03
	100-	-year Floodplain Elevation is: (NGVI)		. 42
×	Aeri	rial Photographs (Name & Date): January, 1995		
	Othe	er photographs (Date):		
	Adv	vanced Identification Wetland mans:		
	Site	visit/determination conducted on:		
	App	plicable/supporting case law:		
	Othe	er information (please specify):		
		U		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** SWG FILE NUMBER: D-16864

PROJE	CCT LOCATION INFORMATION:
Sta	ite: Texas
	unty: Harris
Ce	nter coordinates of site (latitude/longitude): 29 46' 42"; 95 37' 07"
	proximate size of area (parcel) reviewed, including uplands: acres.
Na	me of nearest waterway: Greens Bayou
Na	me of watershed: Greens Bayou
	DICTIONAL DETERMINATION
Co	mpleted: Desktop determination Date: 28 April 2005 Site visit(s) Date(s):
	Site visit(s) Date(s):
	N/
Ju	risdictional Determination (JD):
	Preliminary JD - Based on available information, \( \square \) there appear to be (or) \( \square \) there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).
M	
	Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within
	the reviewed area. Approximate size of jurisdictional area:
	There are "western after United States" (or defined by 22 CFD and 220 and an including the control of
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the
	reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
	Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No
	Jurisdiction.
BASIS	OF JURISDICTIONAL DETERMINATION:
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":
	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in
	the past, or may be susceptible for use to transport interstate or foreign commerce.
	•
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands <sup>1</sup> .
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
-	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
	(4) Impoundments of waters otherwise defined as waters of the US.
	(5) The presence of a tributary to a water identified in (1) – (4) above.
	(6) The presence of territorial seas.
	(7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

]	Lateral	Extent of Jurisdiction: (Reference: 33 CFR parts 328 a	FILE NUMBER: I	D-16864
Į	Ord	dinary High Water Mark indicated by:	and 329)  High Tide Line indicated by:	
	Ц	clear, natural line impressed on the bank	oil or scum line along shore objects	
		the presence of litter and debris	fine shell or debris deposits (foreshore)	
	片	changes in the character of soil	physical markings/characteristics	
	H	destruction of terrestrial vegetation shelving	tidal gages     tidal	
		other:	other:	
**	-			
L	Mea □	an High Water Mark indicated by:		
	∟s	survey to available datum;  physical markings;  ve	egetation lines/changes in vegetation types.	
E		tland boundaries, as shown on the attached wetland delin		
		, and all all all all all all all all all al	headon map and/or in a defineation report prepared by	y:
В	asis Fo	or Not Asserting Jurisdiction:		
	The	reviewed area consists entirely of uplands.		
	Unat	able to confirm the presence of waters in 33 CFR part 328	8(a)(1, 2, or 4-7).	
	The	dquarters declined to approve jurisdiction on the basis of	f 33 CFR part 328.3(a)(3).	
		Corps has made a case-specific determination that the foted States:	ollowing waters present on the site are not Waters of	the
		Waste treatment systems, including treatment ponds of	or lagoons, pursuant to 33 CFR part 328 3	
	R	Authorally illigated areas, which would revert to unla	land if the irrigation cased	
	Ц	Attiticial takes and ponds created by excavating and/	or diking dry land to collect and	
		retain water and which are used exclusively for such price growing.	purposes as stock watering, irrigation, settling basins	s, or
		Artificial reflecting or swimming pools or other small	1 ornamental hodies of water ground	
		by excavating and/or diking dry land to retain water for	for primarily aesthetic roosens	
		water-filled depressions created in dry land incidental	al to construction activity and nite avacuated in the	and for
		the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the d 328.3(a).	10 linfil the construction or execution and in the construction or execution and in the construction of th	
		Isolated, intrastate wetland with no nexus to interstate		
		Prior converted cropland, as determined by the Natura	al Resources Conservation Service. Explain retionals	
	<b></b>			72
	H	Non-tidal drainage or irrigation ditches excavated on d Other (explain):	dry land. Explain rationale:	
		()		
DATA ]	REVIE	EWED FOR JURSIDICTIONAL DETERMINATION	N.C.	
<u> </u>	waps,	b, plais, plots of plat submitted by or on behalf of the anni	alicant	
	Data s	sneets prepared/submitted by or on hehalf of the applican	nt.	
	II	his office concurs with the delineation report, dated	, prepared by (company):	
	Data si	his office does not concur with the delineation report, dat sheets prepared by the Corps.	ated , prepared by (company):	
	Corps'	'navigable waters' studies:		
	U.S. G	Geological Survey Hydrologic Atlas:		
	U.S. G	Geological Survey 7.5 Minute Topographic mans: Harris	County,1995	
	U.S. G	Jeological Survey 7.5 Minute Historic quadrangles		
茵	USDA	Geological Survey 15 Minute Historic quadrangles: A Natural Resources Conservation Service Soil Survey: D	District West of the American	
×	Nation	nai wetlands inventory maps: Digital Harris County	Digital Harris County NRCS	
	State/L	Local wetland inventory maps:		
	TEMA	AFIRM maps (Map Name & Date): Digital Harris County	ty FEMA Q3	
曷	Aerial 1	ear Floodplain Elevation is: (NGVD) Photographs (Name & Date): January, 1995		
圃	Other p	photographs (Date):		
	Advanc	ced Identification Wetland maps:		
	Site vis	sit/determination conducted on:		
	Applica	cable/supporting case law: information (please specify):		
	Juiei II	mornation (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

#### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-16811

PRO	)JE	CT	LO	CA	TIC	OΝ	INF	ORM	ſΑ	OIT	N:
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State:

Texas

County:

Harris

Center coordinates of site (latitude/longitude):

29.8924°N, 95.3492°W

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Halls Bayou Name of watershed:

Greens Bayou

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 2 June 2005

Site visit(s) Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the appear to be no"} \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Market There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: D-1681
icated by: ne along shore objects ebris deposits (foreshore) ings/characteristics
n vegetation types.
delineation report prepared by:
). on the site are not Waters of the
3 CFR part 328.3. ed. lect and
ng, irrigation, settling basins, or
vater created asons. v and pits excavated in dry land for or excavation operation is the United States found at 33 CFR
on Service. Explain rationale:
ale:
:
npany): (company):

I	_ateral ]	Extent of Jurisdiction: (Reference: 33 CFR	norta 220 a	FILE NUMBER: D-1681
		inary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:		High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
2	Mean	n High Water Mark indicated by: urvey to available datum;   physical mark	ings; ☐ vegeta	ation lines/changes in vegetation types
Žia.				on map and/or in a delineation report prepared by:
В	The r Unab Head The C	Waste treatment systems, including treatm Artificially irrigated areas, which would react Artificial lakes and ponds created by excaretain water and which are used exclusive rice growing.  Artificial reflecting or swimming pools or by excavating and/or diking dry land to re Water-filled depressions created in dry land the purpose of obtaining fill, sand, or gray.	the basis of 33 on that the followment ponds or la evert to upland wating and/or dily for such purportain water for pad incidental to el unless and ur	CFR part 328.3(a)(3).  wing waters present on the site are not Waters of the agoons, pursuant to 33 CFR part 328.3.  if the irrigation ceased.  iking dry land to collect and boses as stock watering, irrigation, settling basins, or mamental bodies of water created rimarily aesthetic reasons.  construction activity and pits excavated in dry land for ntil the construction or except tier appearing.
		328.3(a). Isolated, intrastate wetland with no nexus	r meets the defin to interstate con	nition of waters of the United States found at 33 CFR
		Non-tidal drainage or irrigation ditches exc Other (explain):		
DATA I	Data sl Th Data sl Corps' U.S. G U.S.	plans, plots or plat submitted by or on behal heets prepared/submitted by or on behalf of his office concurs with the delineation report his office does not concur with the delineation neets prepared by the Corps.  navigable waters' studies: eological Survey Hydrologic Atlas: eological Survey Hydrologic Atlas: eological Survey 7.5 Minute Topographic meelogical Survey 15 Minute Historic quadrateological Survey	If of the applicate the applicant.  It, dated Nov 200 on report, dated maps: 1995 Humangles: 1919 Hungles: ill Survey: 1976	ot.  O4, prepared by (company): , prepared by (company):  able amble  G Harris Co.
8		oformation (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.